

COUNTY COMMISSION- REGULAR SESSION

OCTOBER 18, 2010

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, OCTOBER 18, 2010, 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 Mayor Steve Godsey. Sheriff Wayne Anderson opened the commission and Comm. Joe Herron gave the invocation. Presentation of the Colors was presented by the Sullivan South High School ROTC and the pledge to the flag was led by Sheriff Wayne Anderson.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

| | |
|---------------------|---------------------|
| CATHY L. ARMSTRONG | TY BOOMERSHINE |
| MARK BOWERY | BRIAN K. BOYD |
| LINDA K. BRITTENHAM | "MOE" BROTHERTON |
| DARLENE CALTON | JOHN K. CRAWFORD |
| O. W. FERGUSON | JOHN GARDNER |
| TERRY HARKLEROAD | JOE HERRON |
| BAXTER HOOD | |
| MATTHEW J. JOHNSON | BILL KILGORE |
| | ED MARSH |
| WAYNE MCCONELL | RANDY MORRELL |
| BOB NEAL | MICHAEL B. SURGENOR |
| R. BOB WHITE | EDDIE WILLIAMS |
| | |
| | |

22 PRESENT 2 ABSENT (ABSENT-HOUSER AND 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. Harkleroad to approve the minutes of the September 20, 2010 Regular Session of County Commission. Said motion was approved by voice vote.

SULLIVAN COUNTY, TENNESSEE

PROCLAMATION

*To Honor And Recognize
O. W. Ferguson
As Chairman Pro Tem Emeritus
For The Sullivan County Commission*

Whereas, O. W. Ferguson is a lifelong resident of Sullivan County having grown up in the Sullivan Gardens Area, and he is a graduate of the former Sullivan High School; and

Whereas, O. W. Ferguson grew up with a love for baseball and became a much better than average pitcher. In the early 1950's he was invited to try out for the St. Louis Cardinals farm team in Johnson City, Tennessee; and

Whereas, O. W. Ferguson answered the call to protect liberty and served in the United States Air Force during the Korean War. He was a part of the military from 1952 until 1956; and

Whereas, O. W. Ferguson has invested his life in Sullivan County working at Tennessee Eastman in the accounting department for 43 years and 3 months - retiring in 1994. He and his wife, Jean, have been married for 58 years and have two daughters and three grandchildren; and

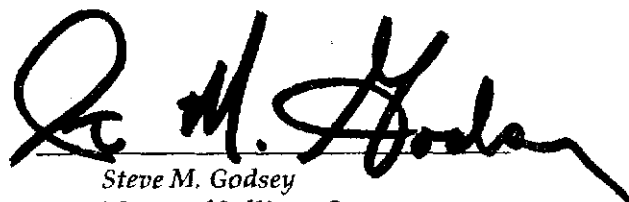
Whereas, O. W. Ferguson has proudly served as a Sullivan County Commissioner for 35 years (the longest period of time that any Commissioner has thus far held a Commission seat). He represents the Ninth Commissioner District; and

Whereas, O. W. Ferguson served as Chairman Pro Tem of the Sullivan County Commission for 22 years, faithfully executing duties whenever needed.

Now, therefore, I, Steve Godsey, Mayor of Sullivan County, and the Sullivan County Commission do hereby commend O. W. Ferguson for his years of service to Sullivan County and the County Commission, and bestow upon him the status of Chairman Pro Tem Emeritus.

In witness whereof, I have hereunto set my hand and caused this seal of the County of Sullivan to be affixed this 18th day of October, 2010.




Steve M. Godsey
Mayor of Sullivan County



SULLIVAN COUNTY BOARD OF COMMISSIONERS
Blountville, Tennessee

Confirmation of Appointment

Whereas the Sullivan County Library Board recommends the following appointment to the Watauga Regional Library Board:

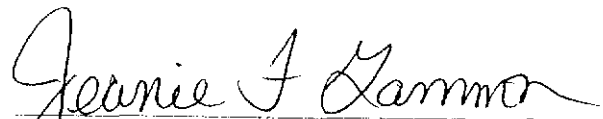
John Cline
1020 Island Road
Blountville, TN

Now therefore, the Sullivan County Board of Commissioners hereby confirms the appointment as set below:

Sullivan County Library Board
John Cline – Term July 2010 to July 2013

Confirmed this 18th day of October 2010.


Steve M. Godsey, 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 |
|-----|-----|------|--------|
| 22 | | | 2 |

SULLIVAN COUNTY COMMISSION

Public Comment Session

Monday, June 21, 2010

PLEASE PRINT

| | Name | Street Address | City & State | Please Check if Zoning Issue |
|-----|--------------------|----------------------|------------------------|------------------------------|
| ✓ 1 | Roger D Stapleton | 2237 STUFFLE TERRACE | KPT, TN 37660 | ✓ |
| ✓ 2 | ROBERT W SZYMANSKI | 2236 STUFFLE TERR | KPT TN 37660 | ✓ |
| ✓ 3 | Larry Braaten | 2233 Stuffle Terr. | Kpt TN 37660 | ✓ |
| ✓ 4 | CHAROLD McCONNELL | 2240 Stuffle Terr. | KPT-TN 37660 | ✓ |
| ✓ 5 | Tom Wolfe | 510 Wadlow Gap Rd. | Kpt - TN 37660 | ✓ |
| ✓ 6 | James R. Lunsford | 4633 Hwy, 11-W | Blountville, TN, 37660 | ✓ |
| ✓ 7 | Wayne Medlin | 307 Wadlow Gap Rd | Kingsport, Tenn 37660 | ✓ |
| ✓ 8 | Andreu Shively | 200 WADLOW GAP | Kingsport TN | ✓ |
| ✓ 9 | Linda Whitton | 269 Moreland Dr | Blountville TN | |
| 10 | | | | |
| 11 | | | | |
| 12 | | | | |
| 13 | | | | |
| 14 | | | | |
| 15 | | | | |

for M. Hodson

SULLIVAN COUNTY CLERK
JEANIE F. GAMMON COUNTY CLERK
3258 HIGHWAY 126 SUITE 101
BLOUNTVILLE TN 37617
Telephone 423-323-6428
Fax 423-279-2725

Notaries to be elected October 18,2010

| | |
|---------------------------|-----------------------|
| CINDY ALLISON | SHIRLEY M. LOFTIN |
| RICHARD S. ARMSTRONG, III | ANITA MATTERA |
| T. LYNNE ARNOLD | L. RAY MILLSAP |
| ERICA N. BIENHOFF | SANDRA MITTEN |
| STEPHEN W. BRUMIT | ISAAC MORGAN |
| PATRICIA D. BUCKLES | ASHLEY MORRELL |
| PATRICIA BURTON | CAROLYN J. PRATER |
| DENISE BUSTETTER | LINDA H. QUESENBERRY |
| DANIEL J. CANTWELL | MICHELLE SHAW |
| RAVIN VICTORIA COULTER | LINDEE J. SHUECRAFT |
| VICKY K. FIELDS | TERESA MURRAY SMITH |
| SCOTT T. FISH | AMY ELIZABETH TEAGUE |
| MILDRED ANNE FLETCHER | APRIL M. TIPTON |
| MARK J FLEURY | DANIEL TORRES |
| SONDRA H. FOWLER | NARASHA N. TURNER |
| JESSICA ERIN HENSLEY | KIMBERLY N. VINEYARD |
| KENNETH EDWARD HILL | STEPHANIE ANNE WAGNER |
| SHARON P. LEWIS | SHELIA WINTERS |

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. 21 AYE, 1 PASS, 2 ABSENT

**STATE OF TENNESSEE
COUNTY OF SULLIVAN**

**APPROVAL OF NOTARY
SURETY BONDS**

OCTOBER 18, 2010

| <u>NAME OF NOTARY</u> | <u>PERSONAL SURETY</u> | <u>PERSONAL SURETY</u> |
|------------------------------|-------------------------------|-------------------------------|
| BETTY LOU CARRIER | PAUL A. STEELE | BARRY L. COMIER |
| REBECCA J. FEATHERS | JACK L. MCLANEY | CHRIS DEADERICK |
| KYLEY J. LINDSEY | LUCILLE PETERS | BONNIE HARRIS |
| MELISSA ANN MOORE | AARON D. LILLY | BRENDA C. HOLLAND |
| SHIRLEY D. PECKTOL | KIM BOYER | AUBORN L. MORRELL |
| SHARON F. PHIPPS | REBECCA WAGERS | CARL N. MARCUM |
| CATHERINE RHINEHART | TERESA A. NEWTON | SHERRY L. BINGHAM |
| LINDA S. ROGERS | DOLORES KITE | BRITNEY POTTER |
| NANCY STALLARD | TERESA A. NEWTON | SHERRY L. BINGHAM |

**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. 21 AYE, 1 PASS, 2 ABSENT.**

| RE THE COMMN. | No. Roll Call | | No. Approve Minutes | | No. Approve Minutes | | Appt. Williams & Clark | | No. | No. | No. | No. | No. | |
|---------------|---------------|-----|---------------------|-----|---------------------|-----|------------------------|-----|-----|-----|-----|-----|-----|-----|
| | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | | | | | | |
| MISSIONERS | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay |
| Armstrong | ✓ | | | | P | | ✓ | | | | | | | |
| Boomerhine | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Bowery | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Boyd | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Brittenham | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Brotherton | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Calton | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Crawford | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Ferguson | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Gardner | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Harkbroad | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Herron | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Hood | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Houser | A | | | | A | | A | | | | | | | |
| Johnson | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Kilgore | ✓ | | | | ✓ | | ✓ | | | | | | | |
| King | A | | | | A | | A | | | | | | | |
| Marsh | ✓ | | | | ✓ | | ✓ | | | | | | | |
| McConnell | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Mannell | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Neal | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Surgeon | ✓ | | | | ✓ | | ✓ | | | | | | | |
| White | ✓ | | | | ✓ | | ✓ | | | | | | | |
| Williams | ✓ | | | | ✓ | | ✓ | | | | | | | |
| | 22 Absent | | | | 21 Aye | | 22 Aye | | | | | | | |
| | 2 Abs. | | | | 1 Pass | | 21 Aye | | | | | | | |
| | | | | | 20 Abs | | 2 ABS | | | | | | | |

| IE COMMN. | No. Resolving | | No. Requests | | | | No. Resolutions | | | | No. To defer #2 | | | |
|-----------|---------------|-----|--------------|-----|--------|-----|-----------------|-----|--------|-----|-----------------|-----|--------|--|
| | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | | |
| Boyd | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Ittenham | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Sterton | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Calton | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | P | |
| Auford | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| erguson | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| rdner | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| W. Broad | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Herron | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Hood | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Houser | A | | A | | A | | A | | A | A | | A | | |
| Gohman | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Kilgore | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| King | A | | A | | A | | A | | A | A | | A | | |
| Marsh | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| McConnell | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Narrell | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Neal | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| ngemer | ✓ | | ✓ | | ✓ | | | | | P | | ✓ | | |
| White | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Williams | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| matrong | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| emerokine | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| Bowery | ✓ | | ✓ | | ✓ | | | | | ✓ | | ✓ | | |
| | 4 Aye | | 22 Aye | | 22 Aye | | 22 Aye | | 20 Aye | | 21 Aye | | 5 Aye | |
| | 18 Nay | | 2 Ays | | 2 Ays | | 2 Ays | | 1 Nay | | 1 Nay | | 16 Nay | |
| | 2 Ays | | | | | | | | 1 Pass | | 2 Ays | | 1 Pass | |
| | | | | | | | | | 2 Ays | | 2 Ays | | | |

RE THE COMMN.

| MISSIONERS | No. 4 | | No. 5 | | No. 6 | | No. 7 | | No. 8 | | No. 9 | | No. 10 | | No. 11 | | No. | | No. | |
|--------------|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|--------|-----|--------|-----|-----|-----|-----|-----|
| | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay |
| Brittenham | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Brotherton | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Calton | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Crawford | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Ferguson | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Gardner | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Hartbrooad | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Herron | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Hood | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Howser | A | | | | | | A | | A | | A | | A | | A | | | | | |
| Johnson | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Kilgore | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| King | A | | | | | | A | | A | | A | | A | | A | | | | | |
| Marsh | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| McCormell | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Monell | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Neal | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Surgener | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Whites | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Williams | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Armstrong | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Boomershiner | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Bowery | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| Boyd | ✓ | | | | | | ✓ | | ✓ | | ✓ | | ✓ | | ✓ | | | | | |
| | 2 Aye | | | | | | 2 Aye | | 2 Aye | | 2 Aye | | 2 Aye | | 2 Aye | | | | | |
| | 2 Aye | | | | | | 2 Aye | | 2 Aye | | 2 Aye | | 2 Aye | | 2 Aye | | | | | |

FOR THE COMM.

12

13

COMMISSIONERS

- Brotherton
- Calton
- Crawford
- Ferguson
- Gardner
- Hankleroad
- Herron
- Hood
- Hauser
- Johnson
- Kilgore
- King
- Marsh
- McConnell
- Marrell
- Neal
- Surgener
- White
- Williams
- Armstrong
- Boomershine
- Bowery
- Boyd
- Brittenham

22 Apr
Halls

2

AGENDA

Sullivan County Board of County Commission October 18, 2010

The Sullivan County Board of County Commissioners will hold a public hearing on Monday, October 18, 2010 at 9:00 A.M. in the Sullivan County Courthouse, Blountville, TN to consider the following requests:

- (1) File No. 08/10/#1 Andrew Shivley
Reclassify 3.49 acres of property located in the 200 block of Wadlow Gap Road from R-1 (Low Density/Single-Family Residential District to B-4 (Arterial Business Service District) for the purpose of future commercial use. Property ID No. Tax Map 31-A, Group C, Parcels 11.50 & 12.00 located in the 10th Civil District. **Sullivan County Planning**

- (2) File No. 08/10/#2 James Lunsford
Reclassify property located at 238 Morelock Drive from R-1 (Low Density/Single-Family Residential District to R-2(Medium Density Residential District) for the purpose of allowing a single wide mobile home. Property ID No Tax Map 80, Parcel 82.00 located in the 8th Civil District.
Sullivan County Planning

- (3) File No. 08/10/#3 Donald & Thelma King
Reclassify 2.39 acres of property located in the 1300 block of Hwy 19-E from A-1(General Agricultural/Estate Residential District) to B-3 (General Business Service District) for the purpose of allowing the sell of vehicles and/or furniture. Property ID No Tax Map 125, Parcel 54.00 located in the 16th civil District.
Sullivan County Planning

- (4) File No. 08/10/#4 Quality Properties LP
Reclassify (3) three parcel of property a total of 11.79 acres located in the 1300 block of Hwy 394 from A-1 (General Agricultural/Estate residential District) to PBD (Planned Business District) for the purpose of future commercial development. Property ID No. Tax Map 50, Parcels 13.04,13.12, and 13.18 all located in the 5th Civil District. **Sullivan County Planning**

PETITION TO SULLIVAN COUNTY FOR REZONING

08/10/10 #1

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

Property Owner: Andrew Shivley
Address: 200 JoAnn Drive
Kingsport, TN 37660
Phone 288-6960 Date of Request 08/03/2010
Property Located in 10 Civil District

Andrew Shivley
Signature of Applicant

OFFICE USE ONLY

Meeting Date 09/16/2010 Time 7:00PM
Place 2ND Floor City Hall

Planning Commission Approved _____
Denied

County Commission Approved _____
Denied

Other Roll Call Vote 4 Aye, 18 Nay,
2 Absent

Final Action Date 10-18-10

PROPERTY IDENTIFICATION

Tax Map No. 31A / Group C / Parcel 11.50 & 12.00
Zoning Map 6 Zoning District R-1 Proposed District B-4
Property Location : 200 Block of Wadlow Gap Road
Purpose of Rezoning: Future Commercial use

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

Andrew Shivley

SWORN TO AND SUBSCRIBED before me this 3 day of August, 2010.

Tim H. Earles
Notary Public

My Commission Expires: 12-06-2011



08/10/10 #2

PETITION TO SULLIVAN COUNTY FOR REZONING

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

| | |
|---|--|
| <p>Property Owner: <u>James Lunsford</u></p> <p>Address: <u>4633 Hwy 11W</u> <u>Blountville, TN 37617</u></p> <p>Phone <u>323-8375</u> Date of Request <u>08/03/2010</u></p> <p>Property Located in <u>08</u> Civil District</p> <p><u>James L. Lunsford</u> Signature of Applicant</p> | <p><u>OFFICE USE ONLY</u></p> <p>Meeting Date <u>09/21/2010</u> Time <u>7:00pm</u></p> <p>Place <u>Old Blountville Courthouse</u></p> <hr/> <p>Planning Commission Approved _____ Denied <input checked="" type="checkbox"/></p> <p>County Commission Approved <u>X</u> Denied _____</p> <p>Other <u>Roll Call Vote 22 Aye, 2 Absent</u></p> <p>Final Action Date <u>10-18-10</u></p> |
|---|--|

PROPERTY IDENTIFICATION

Tax Map No. 80 / Group _____ / Parcel 82.00

Zoning Map 17 Zoning District R-1 Proposed District R-2

Property Location : 283 Morelock Drive

Purpose of Rezoning: To allow a single wide.

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

James R. Lunsford

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

Tim H. Earles
Notary Public

My Commission Expires: 12-06-2011



PETITION TO SULLIVAN COUNTY FOR REZONING

#08/10/10^{#3}

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

| | |
|---|---|
| Property Owner: <u>Donald & Thelma King</u> | <u>OFFICE USE ONLY</u> |
| Address: <u>1501 Park Drive</u> <u>Bristol, Tn 37620</u> | Meeting Date <u>9/21/10</u> Time <u>7:00 pm</u> |
| Phone <u>764-8001</u> Date of Request <u>8/09/10</u> | Place <u>2nd floor Courthouse</u> |
| Property Located in <u>16</u> Civil District | Planning Commission Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> |
| <u>Thelma King</u> Signature of Applicant | County Commission Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> |
| | Other Roll Call Vote <u>22 Aye, 2 Absent</u> |
| | Final Action Date <u>10-18-10</u> |

PROPERTY IDENTIFICATION

Tax Map No. 125 / Group / Parcel 54.00
 Zoning Map 27 Zoning District A-1 Proposed District B-3
 Property Location : Hwy 19-E, 1300 block
 Purpose of Rezoning: To allow the sell of vehicles and/or furniture

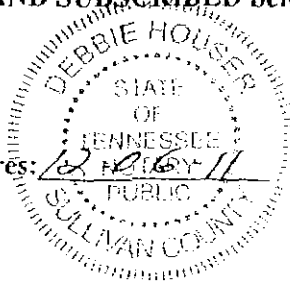
The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.

SWORN TO AND SUBSCRIBED before me this 9th day of Aug, 2010.

Thelma King

Debbie Houser
Notary Public

My Commission Expires: 12/06/11



PETITION TO SULLIVAN COUNTY FOR REZONING

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

| | |
|---|--|
| <p>Property Owner: <u>Quality Properties LP</u></p> <p>Address: <u>282 Christian Church Rd, Johnson City, 37615</u></p> <p>Phone <u>423-928-1113</u> Date of Request <u>08/10/2010</u></p> <p>Property Located in <u>05th</u> Civil District</p> <p><u>Gary D. Waddell, RLS</u> Signature of Applicant <u>Gary Waddell, surveyor</u> <u>Benchmark Design</u></p> | <p><u>OFFICE USE ONLY</u></p> <p>Meeting Date <u>09/21/2010</u> Time <u>7:00PM</u></p> <p>Place <u>Sullivan County Courthouse, Blountville, 2nd Floor.</u></p> <hr/> <p>Planning Commission Approved <input checked="" type="checkbox"/> <u>Sept 21st @ 7 PM</u> Denied <input type="checkbox"/></p> <p>County Commission Approved <input checked="" type="checkbox"/> <u>Oct 18th @ 9am</u> Denied <input type="checkbox"/></p> <p>Other Roll Call Vote <u>22 Aye, 2 Absent</u></p> <p>Final Action Date <u>10-18-10</u></p> |
|---|--|

PROPERTY IDENTIFICATION

Tax Map No. 050 / Group / Parcel 032.05; 032.10; 032.15

Zoning Map GIS (8) Zoning District A-1 Proposed District PBD

Property Location: 1304; 1312; 1318 SR 394, Blountville 1300 Block

Purpose of Rezoning: future commercial development

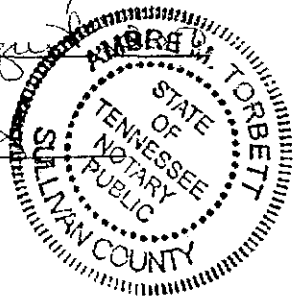
The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.

Gary D. Waddell RLS

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

[Signature]
Notary Public

My Commission Expires: 11-10-2013



RESOLUTIONS ON DOCKET FOR OCTOBER 18, 2010

| RESOLUTIONS | ACTION |
|---|----------------------|
| #1 AMENDMENTS TO THE SULLIVAN COUNTY ZONING RESOLUTION | APPROVED 10-18-10 |
| #2 REQUESTING THE GRANTING OF A QUITCLAIM DEED FROM SULLIVAN COUNTY GOVERNMENT TO OPPOSITE FIELD DEVELOPMENT GROUP, LLC (MIKE REEDY) | APPROVED 10-18-10 |
| #3 APPROVE THE FIRST AMENDMENT AS PROPOSED BY NETWORKS SULLIVAN PARTNERSHIP TO THE "INTERGOVERNMENTAL COOPERATION AGREEMENT" DATED JUNE 17, 2004 | APPROVED 10-18-10 |
| #4 AUTHORIZE PLACING A STOP SIGN ON DICKSON ROAD AT TODDMAN STREET IN THE 6 TH COMM. DISTRICT | APPROVED 10-18-10 |
| #5 ESTABLISH THE "SULLIVAN COUNTY INMATES TAXPAYER SAVINGS PROGRAM" | DEFERRED 10-18-10 |
| #6 REGARDING ELECTION REDISTRICTING IN THE TENNESSEE COUNTIES | DEFERRED 10-18-10 |
| #7 TO SUBMIT GRANT APPLICATION, ACCEPT FUNDS AND APPROPRIATE FUNDS | APPROVED 10-18-10 |
| #8 TO AMEND THE 2010-2011 GENERAL PURPOSE SCHOOL BUDGET FOR THE SNAP GRANT RECEIVED FROM THE STATE OF TENNESSEE IN THE AMOUNT OF \$67,659.00 | APPROVED 10-18-10 |
| #9 TO AMEND THE 2010-2011 GENERAL PURPOSE SCHOOL BUDGET FOR SAFE SCHOOLS GRANT RECEIVED FROM THE STATE OF TENNESSEE (ARRA/SPSF FUNDS) IN THE AMOUNT OF \$50,300 | APPROVED 10-18-10 |
| #10 AUTHORIZE PLACING A STOP SIGN ON TRIVETTE LANE AND PLACE A 20 MPH SPEED LIMIT ON TRIVETTE LANE WHERE IT INTERSECTS WITH FLAT WOODS ROAD IN THE 5 TH COMMISSIONER DISTRICT | APPROVED 10-18-10 |
| #11 REQUESTING THE GRANTING OF A QUITCLAIM DEED FROM SULL. COUNTY GOVERNMENT TO MICHAEL J. PRINCE FOR THE ABANDONMENT OF UNOPENED RIGHT-OF-WAY OF HORSESHOE DRIVE IN BETWEEN HIS PROPERTIES | APPROVED 10-18-10 |

| | |
|---|----------------------|
| #12 AMENDING THE PROPERTY MAINTENANCE CODE OF SULLIVAN COUNTY TO INSERT TEXT NECESSARY TO CLARIFY SULLIVAN COUNTY'S REGULATIONS IN CERTAIN SECTIONS | DEFERRED 10-18-10 |
| #13 APPROVE THE SURETY BOND OF THE TRUSTEE FOR THE UPDATED AMOUNT OF \$4,861,900 | APPROVED 10-18-10 |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Sullivan County, Tennessee
Board of County Commissioners

Item 1
No. 2010-10-00

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

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,

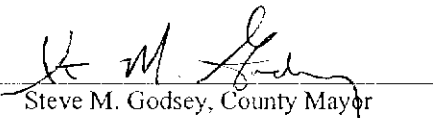
WHEREAS, such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution.

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsor: John Crawford
Prime Co-Sponsor(s): O.W. Ferguson

| | |
|------------|------------------------------|
| 2010-10-00 | County Commission |
| ACTION | Approved 10-18-10 Voice Vote |

Comments:

Sullivan County, Tennessee
Board of County Commissioners

Item 2
Executive
No. 2010-09-84

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 2010.

RESOLUTION Requesting The Granting Of A Quitclaim Deed From Sullivan County Government To Opposite Field Development Group, LLC (Mike Reedy) For The Abandonment Of Right-of-way Along The Old Hooker Road And Acceptance Of Right-of-way Of Approximately 620 Feet Of Property From Opposite Field Development Group To Sullivan County For Purposes Of Realigning The Public Road, At The Intersection Of Reedy Creek And Hooker Road, Blountville, Tennessee, Located On Tax Map 34, Parcel 154.00 In The 6th Civil District. This Portion Of The Land Swapped Is More Specifically Illustrated On The Attached Survey, As Prepared By The Surveyor, James S. Montgomery, February 9, 2009.

WHEREAS, the original publicly maintained road right-of-way was substandard in design regarding a sharp curve and narrow pavement width; and

WHEREAS, the owner of the farm on both sides of the road has agreed to convey the necessary land in order to realigned the roadway, thereby creating a standard "T" intersection at Reedy Creek and Hooker Road; and

WHEREAS, no other property owners are affected by the land swap; and

WHEREAS, the Sullivan County Regional Planning Commission has forwarded a favorable recommendation for this request as heard on their July 20, 2010 meeting; and

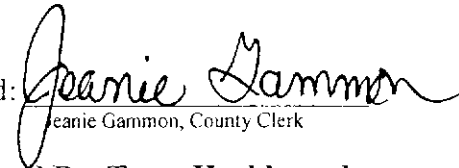
WHEREAS, the Sullivan County Attorney has prepared the Quitclaim Deed specifying the legal description of the .70 acres of land conveyed from Opposite Field Development to Sullivan County for the new right-of-way; and;


WHEREAS, the newly aligned road will be beneficial to the general public regarding safety;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, in order to help clarify title to this property, does hereby approve this request by granting a Quitclaim Deed to Opposite Field Development Group, LLC for the abandonment of the old Hooker Road and Acceptance of .70 acres of Property conveyed to Sullivan County for the newly aligned Hooker Road at the Reedy Creek Road intersection.

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Terry Harkleroad

Prime Co-Sponsor(s): Michael Surgenor , Matthew Johnson

| 2010-09-84 | Administrative | Budget | Executive | County Commission |
|---------------|------------------|---------------------------------------|------------------|--|
| ACTION | Approved 10-4-10 | Approved 9-9-10, No Action 10-7-10 | Approved 10-5-10 | Approved 10-18-10 20 Aye, 1 Nay, 1 Pass, 2 Absent |

Notes: 1st Reading 09-20-10; **Motion made to defer by McConnell, seconded by Surgenor. Motion to defer failed by roll call vote 10-18-10.**

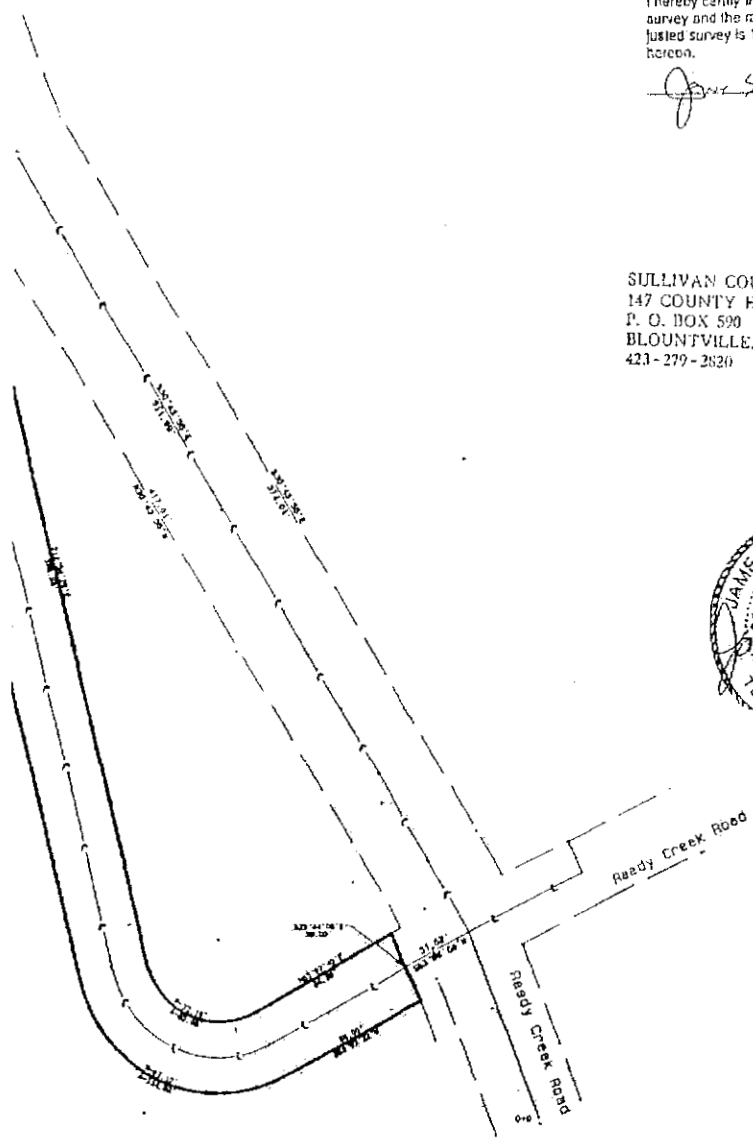
**This
Information
Is An Addition
To
Resolution
No. 2010-09-84**

Exhibit 1

I hereby certify that this is a category P survey and the ratio of precision of the unadjusted survey is 1: 10,000 as shown herein.

James S. Montgomery
Surveyor

SULLIVAN COUNTY HWY DEPT
147 COUNTY HILL ROAD
P. O. BOX 590
BLOUNTVILLE, TENNESSEE 37617
423-279-2820



Road
closing -
Quitclaim
to

Opposite field Dev - Mike Reedy

| | |
|----------------------------------|--------------------|
| Reedy Creek Road--Hooker Road | |
| Hooker Road Relocation (closing) | |
| Scale: 1"=50' | Sullivan County |
| Date: 8/2/2010 | Civil District 8th |

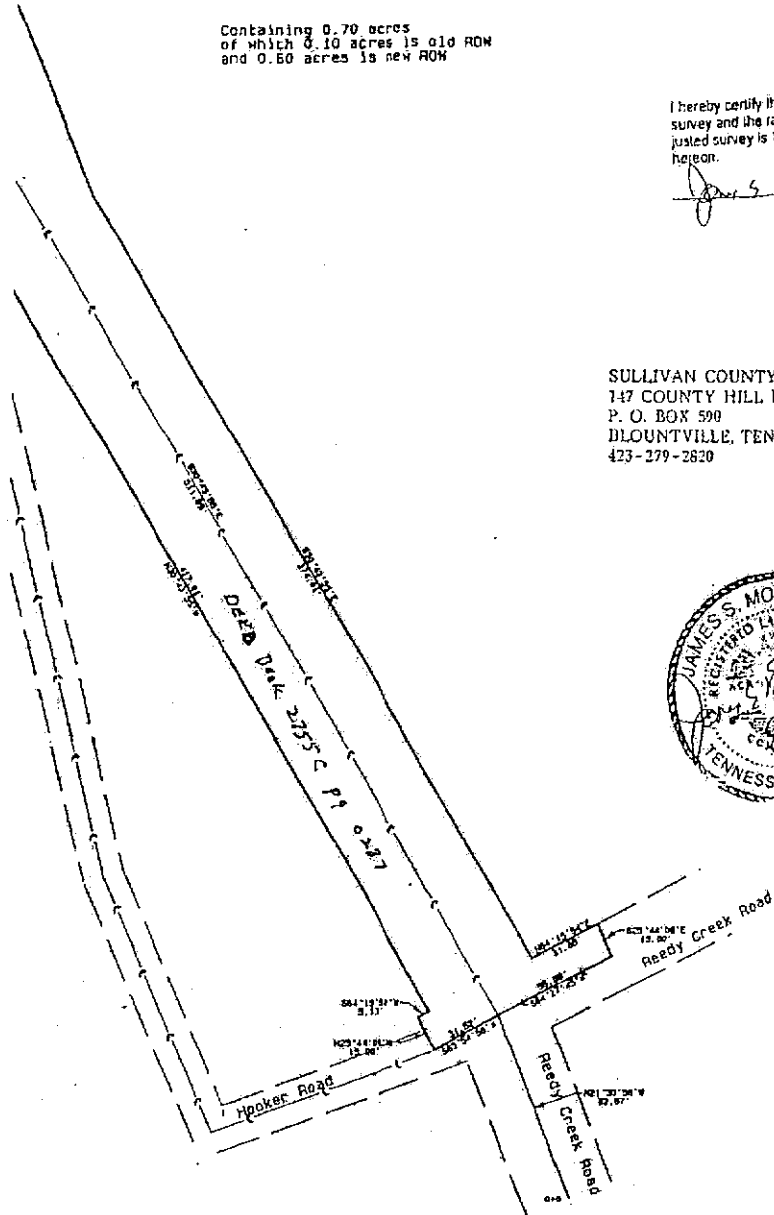
Exhibit 2

Containing 0.70 acres
of which 0.10 acres is old ROW
and 0.60 acres is new ROW

I hereby certify that this is a category E
survey and the ratio of precision of the unad-
justed survey is 1: 10,000 as shown
hereon.

[Signature]
Surveyor

SULLIVAN COUNTY HWY DEPT
147 COUNTY HILL ROAD
P. O. BOX 590
DLOUNTVILLE, TENNESSEE 37617
423-279-2820



From
Opposite Field Dev.
to
County

| | |
|--------------------------------|--------------------|
| Reedy Creek Road - Hooker Road | |
| Hooker Road Relocation | |
| Scale: 1"=50' | Sullivan County |
| Date: 8/2/2010 | Civil District 6th |

Relocated - straight intersection

MINUTES

SULLIVAN COUNTY REGIONAL PLANNING COMMISSION SULLIVAN COUNTY HISTORIC COURTHOUSE, BLOUNTVILLE, TENNESSEE

JULY 20, 2010 – 7:00 PM

- A. CALL TO ORDER: *The chairman will call the meeting to order at 7:00PM.*

MEMBERS PRESENT - Roy Settle; Gary Baker (executive secretary); ~~John Crawford~~; Gordon Peterson (chair); Jack Dutton; Stacy Ivester (vice-chair); James "Buddy" King (County Commissioner Liaison); Mike McIntire (Kingsport PC rep); Mark Webb (Bristol PC rep).

STAFF - Tim Earles (Building Commissioner); Ambre Torbett (Planning Director); Claude Smith (Construction Oversight Mngr); ~~Allan Pope (Highway Commissioner)~~; Bobby Manning (SCHD Inspector); & Deputy Phillip White.

GUESTS/CITIZENS IN ATTENDANCE – see sign-in sheet of record

- B. MINUTES: *June 15, 2010 Meeting. Minutes were approved as noted.*

- C. SWEARING IN OF WITNESSES: *The general public, applicants, staff, and any persons planning to speak for or against any scheduled application on the agenda shall be sworn in under oath. The Building Commissioner led the oath.*

- D. SUBDIVISION PLATS:

D1. Confirmation of Minor Subdivision Plats:

Pursuant T.C.A. 13-3-402 – Regional Planning Commission Platting Authority – Standardizing Lots: "...provided, that if the plat of subdivision divides the tract into no more than two (2) lots, the approval may be endorsed in writing on the plat by the secretary of the commission without the approval of the regional planning commission, upon certification by the planning staff of the regional planning commission that the subdivision complies with such regulations governing a subdivision of land as have been adopted by the regional planning commission pursuant to 13-3-403; provided further, that no request for variance from such subdivision regulations has been requested.

- There were - 11 - minor subdivision plats approved by the Planning Director last month. See attached lists.

Sullivan County Regional Planning Commission Action –
Confirmation: Dutton, Settle – unanimously accepted

D. SUBDIVISION PLATS AND PLANS:

D2. Final Plat – James and Wanda Lunsford Property – 3 Lots

FINDINGS OF FACT -

Property Owner: James and Wanda Lunsford
Developer/Contractor: n/a
Surveyor: Rick Davies, rls – Davies Land Surveying
Engineer: n/a
Location: 275, 283 & 287 Morelock Drive, Blountville
Parcel ID: Tax Map 80, Parcels 80.50, 82 and 81
Water District: Blountville
Sewer or Septic: septic
Growth Boundary: Sullivan County Planned Growth Area
Existing Zoning: R-1
Intended Use: Single Family Residential

Staff Field Notes and General Comments:

- This request is to approve the final plat for the lots 1-3 off of Morelock Drive.
- The purpose of the subdivision plat is to subdivide parcel 80.50 so that two 25-foot strips can be added to parcels 81 and 82.
- Currently parcels 81 and 82 do not have public road frontage.
- This re-plat meets the minimum zoning and planning standards for minimum lots width and size.
- All required signatures have been obtained.
- Staff recommends in favor of this plat as presented.

Discussion at Planning Commission:

- *Mr. Lunsford was present.*
- *Mr. Davies, surveyor, was also present and addressed the board.*
- *Staff read her field notes and recommendation as printed in the staff report.*
- *Discussion followed.*
- *Buddy King motioned to approve the plat as presented. Gary Baker seconded the motion and the vote in favor passed unanimously.*

| | |
|--|-----------------------------|
| Sullivan County Regional Planning Commission Action – Final Plat Approval | |
| Approval: King, Baker - unanimously | |
| Denied: | Reason for Denial: |
| Deferred: | Reason for Deferral: |

D. SUBDIVISION PLATS AND PLANS:

D3. **Final Plat – Poplar Ridge Estates, Section 1**

FINDINGS OF FACT -

| | |
|-----------------------|---|
| Property Owner: | Terry Orth and Kelly Wolfe |
| Developer/Contractor: | Orth Construction |
| Surveyor: | Joe McCoy, rls – McCoy Land Surveying |
| Engineer: | Todd Wood, PE – D.T.Wood Engineering, LLC |
| Location: | Poplar Ridge Road, Piney Flats |
| Parcel ID: | Tax Map 110, part of parcel 31.00 |
| Water District: | Johnson City Utility District |
| Sewer or Septic: | septic |
| Growth Boundary: | Bluff City's Urban Growth Boundary – but county's planning jurisdiction |
| Existing Zoning: | A-1 – General Agricultural/Low Density Residential |
| Intended Use: | Single Family Residential |

Staff Field Notes and General Comments:

- This request is to approve the final plat for lots 1-8 of the Poplar Ridge Estates, Section 1.
- All lots front along the existing county road.
- Johnson City Utility District services this area with public road; however there is a gap in the existing public water line at this site. The water line stops at Poplar Ridge Church Road.
- Johnson City Water & Sewer Department is studying the cost-benefit request for water line extension. If beneficial the city will install the public water line extension. If cost prohibitive, the developer will have to prepare engineering plans, obtain TDEC approval, and install the water line extension. The city has sent correspondence to planner via email.
- Soil scientist has evaluated the site.
- Staff is waiting on final plats with all required signatures – including water department.

Discussion at Planning Commission:

- *Mr. Orth, partner/developer, was present.*
- *Staff read her field notes and recommendation as printed in the staff report.*
- *Tim Earles distributed copies of the final plat that was recently signed by most of the agencies.*
- *Staff explained that the Johnson City Water & Sewer Department accepted the agreement and plans for the water line extension subject to the approval of the Letter of Credit to guarantee the work. The water line extension will be a joint effort between the city and the developers, as this is the only parcel of land on this road that does not have public water to the site.*
- *Staff recommended in favor of the final plat for Phase 1, subject to the approval of the bond for the water extension.*
- *Staff explained the process for bond acceptance. Discussion followed.*
- *Mike McIntire motioned to approve the final plat subject to the water line bond to guarantee the construction of the water line extension, as recommended by staff.*
- *Buddy King seconded the motion and the vote in favor passed unanimously.*

Sullivan County Regional Planning Commission Action – Final Plat Approval Subject to Utility Project Bond

Approval: McIntire, King – unanimously

Denied:

Reason for Denial:

Deferred:

Reason for Deferral:

D. SUBDIVISION PLATS AND PLANS:

D4. Performance Guarantee – Surety Bond Renewal – The Cottages at Hickory Ridge, Section 5, Phase 1

FINDINGS OF FACT:

| | |
|-----------------------|---|
| Property Owner: | Hickory Ridge LLC |
| Developer/Contractor: | Vic Davis Construction, Inc. |
| Surveyor: | Tim Lingerfelt, rls – Alley & Associates, LLC |
| Engineer: | Lamar Dunn & Associates |
| Location: | Marilee Way |
| Parcel ID: | Tax Map 104, part of parcel 54.50 |
| Water District: | Kingsport Utility District |
| Sewer or Septic: | Kingsport Public Sewer |
| Growth Boundary: | Sullivan County's Planned Growth Area |
| Existing Zoning: | R-2A – Medium Density Residential |
| Intended Use: | Single Family Residential |

Staff Field Notes and General Comments:

- This request is to extend the construction schedule for another year with the existing Surety Bond of \$16,000.
- At this time last year, the same request was approved.
- This affords the developer time to build out the homes and then lay the final topcoat of asphalt and make any repairs as necessary.
- The final subdivision plat was approved subject to the final road improvements on July 15, 2008.
- Staff recommends in favor of extending the work schedule for one additional year as requested.
- According to the bonding company, the ETW Insurance, the bond is a continuous bond and will remain in effect until the job is completed and released by the beneficiary – SC Planning Commission.

Discussion at Planning Commission:

- *Vic Davis, owner and developer, was present. He stated that he is about 50% built out with homes in this phase of the subdivision and would like to have the project extended.*
- *Staff read her findings and recommendation.*
- *Mike McIntire motioned to approve the project completion date for another year.*
- *Roy Settle seconded the motion and the vote in favor passed unanimously.*
- *Staff stated she would send in the status report to the Surety Bond Company as requested.*

| | |
|--|----------------------|
| Sullivan County Regional Planning Commission Action – Surety Bond Extension | |
| Approval: McIntire, Settle – unanimously | |
| Denied: | Reason for Denial: |
| Deferred: | Reason for Deferral: |

D. SUBDIVISION PLATS AND PLANS:

D5. **Right-of-Way Abandonment and Dedication of the Old and New Sections of Hooker Road**

FINDINGS OF FACT -

Property Owner: Sullivan County and Opposite Field Development Group, LLC
Developer/Contractor: n/a
Surveyor: James Montgomery, rls – Sullivan County Highway Department surveyor
Engineer: n/a
Location: Hooker Road at Reedy Creek Road – Blountville
Civil district: 6th
Parcel ID: Tax Map 34, Parcel 1.00
Water District: Bristol Utility District – existing water line
Sewer or Septic: septic
Growth Boundary: Sullivan County rural area
Existing Zoning: A-1 – General Agricultural/Low Density Residential
Intended Use: Single Family Residential

Staff Field Notes and General Comments:

- This request is to forward a favorable recommendation on to the County Commission to abandon the old r-o-w of Hooker Road and dedicate by survey the new r-o-w as improved by the Sullivan County Highway Department.
- The legal description of the land-swap was prepared by Daniel Street, SC Attorney and recorded on March 17, 2009.
- The survey for the legal description was performed by Jim Montgomery, SC Highway Department surveyor.
- The closure of old right-of-way and the dedication of the newly aligned r-o-w must first be reviewed for recommendation by the Sullivan County Regional Planning Commission, then forwarded onto the Executive Committee prior to the public hearing for the resolution by the full County Commission.
- While this process was taken out of order, staff has studied the site and recommends in favor of this request.
- The newly aligned road creates a better T-Intersection of Hooker Road at Reedy Creek Road; thereby will aid in a safer road with better sight visibility for motorists.
- The old right-of-way proposed to be abandoned makes a sharp curve north and was substandard in paving surface.

Discussion at Planning Commission:

- *Staff read her findings and recommendation from her staff report. Discussion followed.*
- *Gary Baker motioned to forward a favorable recommendation onto the County Commission for the right-of-way abandonment and dedication of the newly aligned right-of-way as illustrated on the survey.*
- *Buddy King seconded the motion and the vote in favor passed unanimously.*

| | |
|--|----------------------|
| Sullivan County Regional Planning Commission Action – Favorable Recommendation to County Commission | |
| Approval: Baker, King – unanimously | |
| Denied: | Reason for Denial: |
| Deferred: | Reason for Deferral: |

E. SITE PLANS: *None Scheduled*

Chairman to read opening statement regarding rezoning requests hearings

F. AMENDMENTS TO ZONING PLAN (TEXT OR MAP):

F1. Rezoning Request from A-1 to AR

FINDINGS OF FACT -

| | |
|------------------------------|---|
| Property Owner: | Heaven Investments LLC |
| Developer/Contractor: | William E. Andersen (Bill) |
| Surveyor: | none at this time |
| Engineer: | n/a |
| Location: | 1509 Bullock Hollow Road, Bristol |
| Parcel ID: | Tax Map 84, Parcel 167.00 |
| Water District: | South Bristol-Weaver Pike Utility District |
| Sewer or Septic: | septic (to be determined) |
| Growth Boundary: | Sullivan County Rural Area |
| Existing Zoning: | A-1 – General Agricultural/Low Density Residential |
| Rezoning Requested: | AR – Agricultural Recreational |
| Purpose of Rezoning: | To bring into conformance the newly developed retreat/cabin facilities |

Staff Field Notes and General Comments:

- This site is approximately 1.7 acres with a floodplain along the Holston River.
- The property had an existing residence that has been improved to be a small lodge for guests.
- Over the past year or so, the Building Commissioner noticed construction and completion of a few additional structures and small cabins. These structures were not permitted, septic systems not approved or installed, and code enforcement continued.
- The Building Commissioner sent several letters to the owner notifying him of the permitting process and zoning codes.
- The code only allows for one residence per tract of land subject to TDEC approval for additional septic systems.
- Finally, after a year of communication, the owner has applied for the rezoning in hopes of opening up his property to his guests, clients and the public as a place to stay and fish on the river.
- He has created a website and brochure for this *Possum Creek Retreat Conference Center* area.
- Staff has inspected the site. The owner has created a parking area for guest, erected a sign, and offers the following amenities and facilities:
 - Bunk House – newly erected with no permit - 16 beds, composting toilet (no septic approved);
 - Main House (existing – converted to small lodge for family);
 - Guest House (12'x24') newly erected with no permit;
 - Office (12'x18') no permit;
 - Gazebo (16'x16') no permit;
 - Dock – permit would be with TVA;
 - 2nd Gazebo (14'x14') no permit;
 - Conference Center, Internet, Catering, Game Room, Laundry, Hot Tub, Group Fire Pit, Shooting Range.
- Staff has advised the owner that the shooting range, skeet shooting, target practice, etc. cannot be offered to his guests and clients as he would not qualify for a sport shooting facility due to the lack of land and proximity to residences and fishermen. He stated that he would place small signs on his property to code limitation.
- The owner has erected a sign called *Possum Creek Retreat and Conference Center*. The sign was placed without a permit and is within the county's public r-o-w. If rezoned, the sign will need to be relocated a minimum of 10 feet off the r-o-w and a permit obtained.
- The owner has stated that he is working with a neighbor, Mr. George Morton, in obtaining approval for a septic field bed easement area with TDEC approval. If approved by TDEC, the owner will then need to obtain permission from the Sullivan County Highway Department to bore under the county road to place the septic sewer line. All toilets and waste water will need to be pumped from the retreat facilities to the proposed septic system field bed area to avoid contamination into the river. The land is too steep for on-site septic systems.
- Attached are several photos of the site as well as the brochure.

- Staff is waiting on TDEC approval for the SSDS and easement agreement from Mr. Morton.

Discussion at Planning Commission:

- *Mr. Andersen, owner, was present to answer any questions.*
- *Staff read her findings and submitted copies of the recently recorded easement agreement between Mr. Andersen and Mr. Morton for the proposed septic system.*
- *Roy Settle asked Mr. Andersen why he ignored the staff's letters over the past two years.*
- *Mr. Andersen stated that he lives in Florida and bought this property a few years ago for his family. It was his understanding at the time that as long as the property was for he and his family he could do whatever they wanted, but he now understands the limitations to that. As time went on more interest from the public grew and so what was going to be a family retreat is now developing into a retreat and conference center for his guests and public.*
- *Mr. Tom Morton came forward stating that he was in favor of this request. He has agreed to provide an easement area on his pasture field above this property in order for a septic system to be installed for the retreat facilities. He stated that he owns the property upstream and adjacent to the site on the river as well as across the road.*
- *Mike McIntire opined that the owner has done a good job on the development and it seems like a good idea but questioned why Mr. Andersen ignored the communication from the inspector.*
- *Mr. Andersen stated that the brochure and website were being redone to reflect that sport shooting would not be permissible on site due to the code limitations. He was in agreement with that and is addressing those concerns brought to his attention from Mrs. Torbett.*
- *Roy Settle stated that he supports nature-based tourism but was upset that it was not pre-approved.*
- *After further discussion and review of the documents and illustrations, Jack Dutton motioned to forward a favorable recommendation on to the County Commission for this rezoning request.*
- *Stacy Ivester seconded the motion and the vote in favor passed unanimously.*

| | |
|--|-----------------------------|
| Sullivan County Regional Planning Commission Action – to be forwarded to County Commission/Public Hearing | |
| Approval: Settle, Ivester – passed unanimously | |
| Denied: | Reason for Denial: |
| Deferred: | Reason for Deferral: |

II. OLD BUSINESS: None Scheduled

- *The chairman asked the commission if they would consider a request that was not scheduled on the agenda. Members agreed.*
- *The chairman stated that the request is from Archie Newberry, owner/developer/contractor of the Stonecrest Community Subdivision. He stated that he would like to revise the size of the water line.*
- *Mr. Newberry addressed the commission with his request. He provided staff with the email correspondence between the city, county and him regarding this issue. Staff distributed the email and revised utility plan sheet.*
- *Mr. Newberry stated that the city wants him to increase his water line size for the Phase II to an 8 inch line.*
- *Mrs. Torbett asked him if the city had requested the change or did he ask for a change in order to realize a cost-savings.*
- *Mr. Newberry stated that he had approached the city for alternatives in order to save money.*
- *Staff briefed the commission on the project stated that in 2007 the commission approved the construction plans for the entire subdivision. Then Mr. Newberry developed phase 1 first. In 2010 the commission reapproved the plans so that phase 2 could begin. Staff has corresponded with the city over the past two days to ensure that any changes to the utility plan would satisfy the Subdivision Regulation requirements regarding water line pressure and fire hydrant coverage to the entire development. She stated that according to the email from the city water engineer, Mr. Jim Milhorn, all lots would have fire hydrant coverage. She explained that the original plan was to have an 8 inch water line coming down from Phase I along Rachel's Way road into Phase II. Then the 8 inch line would be reduced to a 6 inch line for the length of Rachel's Way and Carson's Way. The very end of the cul-de-sac would be reduced to a 2 inch line after the last fire hydrant. The proposed plan, as requested, would have an 8 inch line for the length of Rachel's Way in both phases but a 2 inch line along the loop street, Carson's Way. The 2 inch line would also be for the end of the cul-de-sac after the last fire hydrant. By increasing the 6 inch line to an 8 inch line for almost all of Rachel's Way, will allow for proper water pressure on Carson's Way using a 2 inch line. This*

appears to be a cost savings for the pipe material to the developer. There will still be two new fire hydrants – one at each intersection of Carson's Way as it loops around to Rachel's Way.

- Mike McIntire opined that given the economy, this would be a cost-savings to our developers. He made a motion to approve the variance as requested.
- Roy Settle seconded the motion and the vote in favor passed favorable (Peterson abstained).

G. NEW BUSINESS:

G1. Adoption of the Updated Flood Damage Prevention Resolution

- The minor changes to the code have been highlighted in yellow. The red words are inserted to customize the code for Sullivan County.
- See attached code for review and recommendation.

Discussion at Planning Commission:

- The chairman asked the commission if anyone had time to read the proposed amended floodplain resolution.
- Several members stated that they had.
- Tim Earles stated that most of the changes were definition clarifications and wording.
- Ambre Torbett stated that the county is a member of the National Flood Insurance Program (NFIP) and as such our office is charged with enforcing the Flood Damage Prevention Resolution. The county has adopted the model code as prepared by FEMA. She explained that while the participating local governments may opt to make the code more restrictive, the county has traditionally adopted the model ordinance as is. All code enforcement and floodplain permits are handled by Tim Earles for the county.
- Discussion continued.
- Mike McIntire motioned to accept the changes and forward a favorable recommendation onto the County Commission.
- Gary Baker seconded the motion and the vote in favor passed unanimously.

I. OTHER MATTERS OF MUTUAL INTEREST: Open discussion

II. Next Month's Rezoning Requests – none filed

12. Discussion on Zoning Code Amendment – Tent Sales Guidelines and Use Permit

- Staff distributed copies of the existing Temporary Use Regulations from the Zoning Resolution, as well as, copies of the State Fire Marshall's Guidelines for Fireworks Use and Permitting. She provided copies of a sample code from another county's codes on Fireworks Sales. She stated that the sponsoring County Commissioners would like to see the Zoning Resolution amended in order to permit but regulate the tent sales of fireworks in the county.
- Discussion followed. Staff asked members to forward her comments or suggestions on a possible text amendment to provide for guidelines on tent sales – specifically for fireworks sales.

J. UNSCHEDULED PUBLIC COMMENTS: Anyone wishing to address the Planning Commission on matters of concern other than a scheduled agenda application is welcome to sign in on the list. In the interest of conducting business in a timely manner, citizens shall be limited to 3-5 minutes each. No action shall be made by the Planning Commission on matters otherwise not on the published agenda.

K. ADJOURNMENT:

- Members adjourned at: 8:51 PM.
- The next regularly scheduled meeting will be held on: August 17th at 7:00 PM.

Sullivan County, Tennessee
Board of County Commissioners

Item 3
Executive
No. 2010-09-85

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 2010.

RESOLUTION To Approve The First Amendment As Proposed By NETWORKS Sullivan Partnership To The "Intergovernmental Cooperation Agreement" Dated June 17, 2004.

WHEREAS, this amendment will give NETWORKS and its partners, Sullivan County, City Of Bluff City, City Of Bristol, And City Of Kingsport, more options for drawing in qualified individuals with varieties of expertise and experience which will enhance the overall working of the Board of Directors. (Copies of the original agreement and the first amendment are being provided to all County Commissioners.)

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby approves the First Amendment To The "Intergovernmental Cooperation Agreement" dated June 17, 2004.

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Eddie Williams

Prime Co-Sponsor(s): Dwight King, Bill Kilgore

| 2010-09-85 | Administrative | Budget | Executive | County Commission |
|---------------|-------------------|---------------------------------------|------------------|--|
| ACTION | No Action 10-4-10 | Approved 9-9-10, No Action 10-7-10 | Approved 10-5-10 | Approved 10-18-10 21 Aye, 1 Nay, 2 Absent |

Notes: 1st Reading 09-20-10;

**This
Information
Is An Addition
To
Resolution
No. 2010-09-85**

**FIRST AMENDMENT TO
INTERGOVERNMENTAL COOPERATION AGREEMENT**

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the "Agreement") is entered into this ____ day of _____, 2010, by and among Sullivan County, Tennessee (the "County"), the City of Bluff City, Tennessee ("Bluff City"), the City of Bristol, Tennessee ("Bristol"), and the City of Kingsport, Tennessee ("Kingsport") to create the **SULLIVAN COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP** (the "Partnership"). The individual governments making up this Partnership may be referred to as "Member Entities" in this Agreement.

RECITALS:

- A. The Member Entities have heretofore entered into an Intergovernmental Cooperation Agreement dated June 17, 2004 (the "Intergovernmental Agreement") pursuant to which the Member Entities have created Sullivan County Economic Development Partnership (the "Partnership").
- B. The Partnership previously has adopted as its formal trade name "Networks Sullivan Partnership" and uses such trade name in its day-to-day business and communications.
- C. The Member Entities desire to amend the Intergovernmental Agreement to change certain election requirements and term limits applicable to members of the Partnership's board of directors.

NOW, THEREFORE, in consideration of the foregoing premises, the Member Entities do hereby amend the Intergovernmental Agreement as follows:

1. Paragraph 2 of the "Board of Directors" Section of the Intergovernmental Agreement is hereby amended and restated in its entirety as follows:

2. The Board of Directors shall be comprised of twenty-five voting members including the four Member Entity's Mayors as well as one additional member representing each Member Entity. The additional member representing each Member Entity shall be appointed by the popularly-elected Mayor of each such Member Entity or by the governing body of such Member Entity where no such popular election of the Mayor occurs. The four Member Entity Mayors shall collectively appoint seventeen other at-large members including one representative from each of the three principal power systems in Sullivan County (Bristol, Tennessee Essential Services, American Electric Power, and Johnson City Power Board). Of the remaining fourteen at-large members of the Board of

Directors, one or more shall be the owner of land qualifying for classification and valuation under Tennessee Code Annotated Title 67, Chapter 5, Part 10.

2. Paragraph 5 of the "Board of Directors" Section of the Intergovernmental Agreement is hereby amended and restated in its entirety as follows:

The seventeen at-large members shall be appointed for staggered 3 year terms of office as determined by the Executive Committee. The seventeen at-large members of the Board of Directors shall assume their duties as of July 1 of each calendar year and serve until each individual term expires. Each Mayor of a Member Entity shall serve on the Board of Directors while he or she holds their position as Mayor.

3. Paragraph 6 of the "Board of Directors" Section of the Intergovernmental Agreement is hereby amended and restated in its entirety as follows:

6. The Mayor of each Member Entity shall serve on the Partnership's Board of Directors during such Mayor's term of office as Mayor of a Member Entity. The additional member representing the Member Entity, shall serve at the pleasure of the Member Entity's Mayor or governing body as applicable.

[Signatures on following pages]

IN WITNESS WHEREOF, Member Entities of the Partnership have caused this instrument to be executed by their duly authorized representatives as of the date first written hereinabove.

SULLIVAN COUNTY TENNESSEE

By: _____
County Mayor

ATTEST:

County Clerk

CITY OF BRISTOL, TENNESSEE

By: _____
Mayor

ATTEST:

City Recorder

CITY OF BLUFF CITY, TENNESSEE

By: _____
Mayor

ATTEST:

City Recorder

CITY OF KINGSPORT, TENNESSEE

By: _____
Mayor

ATTEST:

City Recorder

INTERGOVERNMENTAL
COOPERATION AGREEMENT

BETWEEN

Sullivan County, Tennessee _____

City of Bluff City, Tennessee

City of Bristol, Tennessee

City of Kingsport, Tennessee

to create the

**BLUFF CITY, BRISTOL, KINGSPORT AND
SULLIVAN COUNTY ECONOMIC DEVELOPMENT
PARTNERSHIP**

June 17, 2004

INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the "Agreement") is entered into this 17th day of June, 2004, by and among Sullivan County, Tennessee (the "County"), the City of Bluff City, Tennessee ("Bluff City") the City of Bristol, Tennessee ("Bristol"), and the City of Kingsport, Tennessee ("Kingsport") to create the BLUFF CITY, BRISTOL, KINGSPORT AND SULLIVAN COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP (the "Partnership"). The individual governments making up this Partnership may be referred to as "Member Entities" in this agreement.

WHEREAS, the Partnership is organized to establish, coordinate and implement a comprehensive economic development agency whose purpose is to develop and implement an overall economic development strategic plan for all of Sullivan County and the Cities of Bluff City, Bristol, and Kingsport, whose overall goals are to create value added jobs, expand and diversify the economic base, and generate increased local tax revenues for local government. This Plan should include, but not be limited to a unified, regional economic development agency, regional marketing, recruitment of new businesses and industry, retention and expansion of existing business and industry, and oversee implementation of the strategic plan. The intent is to allow for the continued efforts and contributions by the Chamber of Commerce, Convention and Visitors Bureau, etc. to enhance the respective and collective community efforts outside the scope of activities of the Partnership. It is the intention of the member entities that the Partnership will work cooperatively with other organizations including governmental entities to advance the purposes herein stated to the extent that the Intergovernmental Agreement and the structure and function of the Partnership will render political boundaries meaningless for the purposes of economic development, and for such other purposes upon which the member entities may unanimously agree that are not inconsistent herewith or inconsistent with the Charter, the Intergovernmental Agreement, or governing statutes of any of the entities.

WHEREAS, The County is a political subdivision of the State of Tennessee and the Cities of Bluff City, Bristol, and Kingsport are municipal corporations that are located within the boundaries of the County.

WHEREAS, The County, the City of Kingsport and the City of Bristol Tennessee have historically operated independent Economic Development initiatives that may or may not have acted independently and in competition with one another.

WHEREAS, the member entities are authorized to develop industrial parks, both jointly and separately, pursuant to T.C.A. Sections 9-21-101 et seq.

WHEREAS, Pursuant to T.C.A. Section 9-21-101 et seq., 12-9-101 et seq. and Section 5-1-113 the member entities hereto are authorized to enter into an inter local cooperation agreement, and the member entities are authorized to appropriate funds with respect to the joint undertakings by the parties hereunder.

WHEREAS, Pursuant to T.C.A. Sections 9-21-101 et seq. and 13-16-201 the member entities are also authorized to borrow money to pay the cost of the acquisition of land for industrial purposes and the development of such land as an industrial park. Prior to borrowing funds for an industrial park, the member entities are required to obtain a certificate of public purpose and necessity ("Certificate of Necessity") from the State Building Finance Committee as provided in T.C.A. Section 13-16-207.

WHEREAS, it is intended that the Partnership shall be a governmental entity as such is defined in T.C.A. 29-20-102(3) and that the provisions of T.C.A. 29-20-101, et seq. (Tennessee Governmental Tort Liability Act) shall apply to the Partnership.

WHEREAS, the execution and delivery of this Agreement by the member entities hereto has been approved by the governing bodies of each of the member entities.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISES AND THE MUTUAL COVENANTS, the member entities agree to consolidate their resources and efforts into a consolidated economic development program as described herein as follows:

GENERAL

1. The offices of the Partnership shall be within Sullivan County, Tennessee, at a central location selected by the Board of Directors.
2. The Partnership shall be nonprofit, nonpartisan, and non-sectarian. The Partnership shall observe all local, state and federal laws which apply to nonprofit organizations as defined in Section 501c(6) of the Internal Revenue Code.
3. Other organizations may be accepted into membership upon such terms and conditions as the member entities may unanimously determine.
4. Any member may withdraw from the Partnership at any time with at least six months notice; such withdrawal effective on June 30th of the respective year subject to contractual obligations it may have with the Partnership. The member entities may mutually agree to terminate this agreement upon fulfilling any outstanding obligations to other parties as a result of this contract.
5. This agreement shall be in existence for a period of fifty years.

BOARD OF DIRECTORS

1. The government and policy making responsibilities of the Partnership shall be vested in a Board of Directors. The Board shall develop and approve By-laws to govern the different activities and initiatives taken by the board and its employees to direct its affairs.

2. The Board of Directors shall be comprised of twenty-four voting members including the four Mayors representing the member entities. Each member entities' legislative body shall appoint one member to serve on the Board. The four mayors collectively shall appoint twelve other members at-large including two representatives of the two principal power system providers (The Bristol Tennessee Electric System and the American Electric Power "AEP" and their successors). The twenty members of the Board shall collectively appoint four other members to complete the twenty-four member body. The selection process shall be set forth in the By-Laws as adopted by the Board of Directors. The board members shall represent the various segments of the business community, such as financial, real estate, manufacturing, health care, legal, education, and small business with consideration for geographic balance demographic, cultural and ethnic diversity.

3. The four Mayors will assume their duties on the Board of Directors concurrent with their oath of office for their particular governmental entity.

4. The four Mayors will serve as the permanent nominating committee for the Board of Directors and will meet together annually in June of each year to coordinate the appointment process and at such other times as necessary to fill vacancies.

5. The sixteen members at large of the Board of Directors shall assume their duties as of July 1 and serve until each individual term expires. The sixteen members at large of the Board of Directors representing the member entities shall be appointed for initial terms of four, five and six year durations, with all succeeding terms for three years. The respective appointees of the legislative bodies shall begin their terms upon their scheduled reorganization of the respective legislative bodies not exceed their tenure of office. The Mayors or their designees shall remain on the Board for their tenure without regard to term limits in office as follows:

- > 4 members: mayors of each member entity: term concurrent with Mayor's term of office;
- > 6 members: 3 year term; (initial year of operation – 3 year term)
- > 5 members: 3 year term; (initial year of operation – 2 year term)
- > 5 members: 3 year term; (initial year of operation – 1 year term)
- > 4 members: Appointees of respective legislating bodies: 1 year term.

6. At-large board members may serve two terms after which they must retire from the Board for a minimum of one year. After relinquishing their seat for a one year period, individuals that have previously served may again be considered for another two term cycle. The Mayors and the power system representatives are not subject to the two term limit.

7. Members of the Board of Directors must continue to retain the qualification of membership which provided for being named to the Board of Directors. Should they cease to hold such office or position, they shall be considered to have vacated their position on the Board, and a new board member shall be appointed to fill the remainder of their term in accordance with the appointment process.

8. The Mayors of Bristol & Kingsport may designate their City Managers to represent him/her on the Board, the Mayor of Bluff City may designate the Vice-Mayor to represent him/her on the Board, and the County Mayor may designate the Director of Accounts &

Budgets to represent him/her on the Board. The designation must be made at the beginning of the Mayor's term and be in place for the duration of his/her term or until the position is vacant and again filled by the Mayor or his/her designee.

9. The Board of Directors shall hold open meetings bi-monthly, or more often as necessary, except as waived by the Board, at such time and place as may be determined by the Board. Special meetings may be held on call, in writing, by the Chairman, the Executive Committee, or four members of the Board, with a minimum of 24 hours notice.

10. Any member of the Board of Directors, except the Mayors, that is absent for three consecutive regularly scheduled meetings may be considered to have vacated the position and a replacement may be appointed to complete the term of office.

11. A majority of voting members present (13 members) shall constitute a quorum at any regular or special meeting of the Board of Directors.

12. All questions of parliamentary procedure shall be determined according to Robert's Rules of Order except as otherwise provided by these Bylaws or by policies duly established by the Board of Directors.

EXECUTIVE COMMITTEE

1. An Executive Committee shall be created composed of seven (7) members, of which the County Mayor shall be a permanent member with other members nominated by the Nominating Committee from the at large members.

2. The four Mayors shall in June of each year shall nominate from the Board of Directors the five (5) at-large board members to serve on the Executive Committee. These nominations shall be confirmed by the Board of Directors.

3. Within the Executive Committee members, the four mayors shall designate their nomination for the position of Chairman, Vice-Chairman, and Secretary/Treasurer. These nominations shall be confirmed by a majority of the Board of Directors.

4. The Executive Committee shall represent and carry out the policies and decisions of the Board of Directors. The Executive Committee shall have the power establish policy for staff to negotiate the terms of contractual relationship with the Partnership and shall further have the power to terminate the employment of the Chief Executive Officer.

5. The Executive Committee shall appoint Legal Counsel, subject to the approval of the Board of Directors. The Legal Counsel will attend the Executive Committee and Board of Directors meetings.

6. The Executive Committee shall meet monthly or more often as scheduled by the body and at such times as may be determined by its members and shall also meet upon the call of the Chairman or any two members of the committee.

7. A majority of voting members four (4) (members) of the Executive Committee shall be required to constitute a quorum.
8. The Chairman shall have general charge of the Partnership's activities as authorized by the Board of Directors.
9. The Vice-Chairman shall perform the duties of and may exercise the authority of the Chairman in his/her absence and shall succeed to the office of Chairman for the following year. The Vice-Chairman shall also be responsible for other activities as may be assigned by the Chairman.
10. The Secretary/Treasurer shall maintain minutes of the Board of Directors and Executive Committee meetings, oversee Partnership funds and financing and be responsible for financial reports to the Board of Directors and Executive Committees and shall perform such other duties as may be assigned by the Chairman. A copy of such reports including official minutes will be filed with the clerks of the respective member entities on a timely basis. The minutes of each meeting shall include: (a) record of persons present; (b) all motions, proposals, and resolutions; (c) official results of any votes taken; and (d) a record of individual votes in the event of a roll call vote. All minutes shall be promptly and fully recorded and shall be open for public inspection.
11. An Annual Report shall be made to the Board of Directors and Legislative Bodies of the Member Entities. This report shall set out the accomplishments and goals of the Partnership. A report shall be included on the annual audited financial statements by the Executive Committee.
12. All questions of parliamentary procedure shall be determined according to Robert's Rules of Order except as otherwise provided by these Bylaws or by policies duly established by the Board of Directors.

ADMINISTRATIVE EMPLOYEES

1. The Partnership will employ a C.E.O., who with proper approval from the Executive Committee shall employ such other staff as may be reasonably necessary for the purpose of carrying out the marketing program and other aims of the Partnership. The C.E.O. and any such other staff employed shall be employees of the Partnership, a legal entity, and not of any member entity. The Partnership will coordinate and may enter into contractual arrangements with the Visitor's Bureaus, Bristol Tennessee Electric Board, and Chambers of Commerce for any and all the purpose of providing unified staffing and coordination of marketing services.
2. The Chief Executive Officer shall be the C.E.O. of the Partnership and shall be charged with carrying out the policies of the Board of Directors under the direct supervision of the Executive Committee. Including the general supervision and management of the office and business affairs of the Partnership, the supervision of the Partnership staff, and the provision of staff services in coordination with the state and other governmental

entities, Chambers of Commerce and other related organizations, as authorized by the respective statutes

3. The C.E.O. shall be responsible for carrying out the legal powers, obligations, and functions of the Partnership as their agent. When functioning by and on behalf of an individual member entity, the C.E.O. owes a duty of full confidentiality, allegiance, and loyalty to that entity and shall not divulge or share with other entities information which should remain confidential.

4. The C.E.O. shall be appointed by the Board of Directors without regard to political affiliation, race, creed, ethnic background, etc. and shall serve at the pleasure of the Board. The Board may enter into an employment agreement with the CEO and shall define and provide for the compensation and benefits of the CEO. The CEO need not be a resident of Sullivan County when hired; however, he/she must establish residency within Sullivan County within six (6) months of appointment.

5. The C.E.O. shall be an ex officio (non-voting) member of the Executive Committee, Board of Directors and all other committees formed by the Board.

PROPERTY

1. There shall be established a Property Committee composed of the Chairman, Vice-Chairman and one member of the Board appointed by the Chairman. This committee, with the C.E.O., shall be directly responsible for the annual maintenance of real and personal property and shall make recommendations to the Board as to the use of the property and for funds required for maintenance. The Property Committee shall at the direction of the Executive Committee pursue additional property for development purposes, based upon available funding provided and approved by the Board of Directors and the member entities' legislative bodies.

2. The Partnership may own, lease or rent real or personal property according to need as determined by the Board of Directors. All existing property owned by the member entities shall remain the separate property of the member entity, unless unanimously agreed to purchase by the member entities. The Partnership may agree to develop properties with public and/or private ownership as it deems appropriate. Nothing herein shall prohibit the sale, lease, or transfer of property between the Partnership and its member entities.

3. The development of property shall be commenced only with the approval of the Board of Directors. Prior to undertaking such development, the Executive Committee shall prepare and submit to the Board of Directors plans and specifications relating to such development together with a budget of the development costs relating to such development. Upon approval of the plans and specifications and budget by the Board of Directors, the Partnership shall proceed with such development.

4. The Board of Directors may authorize the proper officer or officers to execute deeds, notes, or mortgages for the purchase, financing or refinancing of real property as deemed necessary within the scope of available financing.

5. Use of any building or property owned by the Partnership shall be for Partnership purposes and any use by outside agencies shall be limited and such use shall be for a purpose consistent with the principal objectives of the Partnership. The Partnership may rent or lease space to or from other compatible agencies including its member entities. Any tenants of the Partnership shall be bound by any policies for use established by the Board of Directors of the Partnership.

6. Any property owned by the Partnership shall be adequately maintained, insured and protected. Funds shall be set aside in each annual budget to properly finance and maintain buildings and property on a continuing basis.

7. The Partnership agrees to purchase additional property pursuant to the purpose of this agreement. The purchase will be made by the Property Committee under the direction of the Executive Committee. The member entities may make proposals to the Board of Directors for the Property Committee to consider for the purchase and development of additional property.

FINANCES

1. The fiscal year of the Partnership shall be July 1 through June 30.

2. All monies received by the Partnership shall be deposited immediately into an official bank account(s) within Sullivan County for the respective purpose for which the funds are received.

3. The Board of Directors shall adopt a proposed operating budget at its February meeting each year. Funding of the Operating Budget shall be based upon the following:

| | |
|-----------------|-----|
| Sullivan County | 51% |
| Kingsport | 31% |
| Bristol | 17% |
| Bluff City | 01% |

The County will remain a fixed share throughout the lifetime of the agreement and prorated shares between Kingsport, Bristol, and Bluff City shall be adjusted according to the Federal Census every ten years. The budgets for development purposes shall be prepared for each project and presented to the Board of Directors for approval. The basic funding levels of each government shall be the same funding formula as above, except where member entities unanimously agree on another plan to best utilize the resources available for development projects to assume an equitable funding level. The county shall not fund less than 51% in achieving an equitable funding level for development projects.

4. No obligation or expense shall be incurred and no money shall be appropriated or paid except in accordance with regulation established and adopted by the Board of Directors.

5. At any time that the Board of Directors determines that there are more funds held in the operating account than are needed for the purposes for which such account was established, the Board of Directors may transfer funds held in the operating account to the development project account to be used to pay any additional development costs related to the Industrial Parks.

6. No promissory note shall be given or accepted except as expressly authorized by the Board of Directors and reflected upon the minutes of the Board. All promissory notes issued by the Partnership shall be signed by the Chairman, Secretary/Treasury and such other Board Member as the Board of Directors may direct and shall be within the limits of funding provided by the member entities.

7. The member entities agree to assist the Partnership in the application and pursuit of available grants to further the objectives of the Partnership. Any grants received by any member entity that are used to pay any costs payable by the Partnership under this Agreement shall reduce the overall obligations of the member entities hereunder with respect to the payment of those costs.

8. As funds are needed from the member entities to pay development costs, the Partnership shall submit written requests to the member entities based upon each member entities previously agreed participation in funding such development costs. Upon receipt of such requests, each member entity shall within forty-five (45) days fund the amount requested.

9. By mutual agreement of two or more member entities, a member entity may advance funds on behalf of another member entity to pay development costs. Contemporaneously with any such advance, the member entity for whom the advance is being made shall deliver its capital outlay note to the advancing member entity in an amount equal to the amount advanced. The capital outlay note shall bear interest at a rate agreed to by the participating member entities.

10. In the event the amount on deposit in the operating account at any time is insufficient to pay the costs of operating and maintaining the Industrial Parks as provided herein, the Partnership shall notify the member entities. The member entities thereupon shall within forty-five (45) business days appropriate sufficient funds to the Partnership to pay all amounts then due and payable by the Partnership. Notwithstanding the foregoing, the member entities shall not be required to pay the cost of any expense that exceeds the budget approved by the Board of Directors unless such expense was approved by the Board of Directors.

11. The financial records and accounts of the Partnership shall be maintained in accordance with generally accepted accounting principles and in accordance with guidelines established by the Tennessee Comptroller of the Treasury. An annual audit shall be prepared and submitted to the Board of Directors within six months after the close of the fiscal year by a certified public accountant selected by the Board of Directors. A copy of the audit shall be filed with the clerks of the respective member entities and with the Tennessee Comptroller of the Treasury.

12. The officers and employees of the Partnership shall be bonded in such an amount and in such a manner, as the Board of Directors shall deem advisable.

13. An amount equivalent to all tax revenues (property taxes, sales tax, business tax) generated directly by a member entity that go to the general treasury of the respective member entity from the jointly owned property of the Partnership, shall be appropriated and deposited by the respective member entity to a special revenue account maintained by the Partnership. The funds from this revenue account are to be prioritized and budgeted by the Board of Directors for debt service and development cost. Any additional (surplus) funds may upon recommendation of the Executive Committee be appropriated by the Board of Directors to be paid to the member entities based the operational funding formula

14. The Partnership may cooperate with the private sector in developing and managing the creation of a separate foundation to solicit and manage private funding for the enhancement of the efforts of the Partnership. These funds shall be maintained under separate management with appropriate accountability for such funds. No funds of the Partnership shall be commingled or shared in any way with the foundation's funds.

15. The Partnership will have an annual budget and each member entity will be obligated to support the Partnership financially as set forth in the Bylaws and articulated within the annual budget. The membership of any member entity failing to fulfill its financial obligations under this Agreement will be automatically terminated and any jointly owned resources shall become the assets of the remaining member entities.

OTHER

1. Bylaws shall be adopted and effective upon their approval and ratification by the Board of Directors. These Bylaws may be altered, or amended by an affirmative vote of three-fourths of the Board of Directors at any meeting of the Board of Directors provided notice of the proposed amendment is included in the call for such meeting.

2. All disputes between member entities relative to the negotiation, interpretation, enforcement, or breach of the Agreement shall be resolved by binding arbitration pursuant to the applicable rules of the American Arbitration Association. An arbitrator shall be selected by the Executive Committee and approved by the Board of Directors. Each member entity shall pay its own expenses of arbitration and one-fourth of the expense of the arbitration, provided, however, if any position by any member entity or any defense or objection thereto is deemed by the arbitrator to have been unreasonable, the arbitrator shall assess all or part of the arbitration expenses (including reasonable attorneys' fees) against the party that took such position or made such defense or objection. All provisions herein shall inure to and become binding upon, the heirs, executors, administrators, successors, representatives, receivers, trustees and assigns of the parties hereto.

3. Any notices required or allowed hereunder shall be in writing and shall be deemed satisfactorily given (and any time period provided for giving such notice herein shall commence) when (i) deposited in the United States Mail, certified or registered mail, postage prepaid, return receipt requested, or forwarded by a nationally recognized

overnight courier service, to the address of the respective parties specified below (or such other address as may be specified in a written notice forwarded to all parties hereto as herein specified) or, (ii) personally delivered.

4. This Agreement shall be amended only by written agreement approved by the governing bodies of each of the member entities and signed by their representatives.

5. This Agreement constitutes the entire agreement to parties hereto and supersedes all prior agreements and understandings, both written and oral, between the parties with respect to the subject matter hereof, and may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6. The invalidity or unenforceability of any one or more phrases, sentences, clauses or sections in this Agreement contained, shall not affect the validity and enforceability of the remainder of this Agreement or any part hereof.

7. This Agreement and the rights and duties hereunder shall not be assigned by either of the parties hereto and their successors. In addition to any other obligations specifically provided for herein, the member entities shall cooperate with the Partnership in connection with the acquisition, development and operation of the industrial and/or business parks. In connection with the foregoing, the member entities will provide such permits, approvals, consents, and authorizations as are necessary for the acquisition, development, and operation of the industrial parks in the manner approved by the Board of Directors.

8. All questions of parliamentary procedure shall be determined according to Robert's Rules of Order except as otherwise provided by these Bylaws or by policies duly established by the Board of Directors.

9. All meetings of the Board of Directors shall be open to the public with the By-Laws providing for adequate notice.

SULLIVAN COUNTY, TENNESSEE

Date: 6-17-04

By Richard S. Venable
County Mayor

ATTEST:

Jeanie Stamm
County Clerk



CITY OF BRISTOL, TENNESSEE

Date: 6/17/04

By: [Signature]
Mayor



ATTEST:

[Signature]
City Recorder

CITY OF BLUFF CITY, TENNESSEE

Date: 06-17-04

By: [Signature]
Mayor



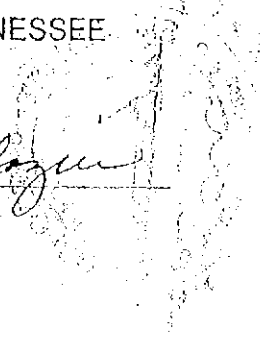
ATTEST:

[Signature]
City Recorder

CITY OF KINGSFORT, TENNESSEE

Date: 6/17/04

By: [Signature]
Mayor



ATTEST:

[Signature]
City Recorder

Sullivan County, Tennessee
Board of County Commissioners

Item 4
Executive
No. 2010-09-89
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 2010.

RESOLUTION To Authorize Placing A STOP Sign On Dickson Road At Toddman Street In The 6th Commissioner District

WHEREAS, Commissioner Terry Harkleroad requested the Sullivan County Highway Department to make this change; and,

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

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

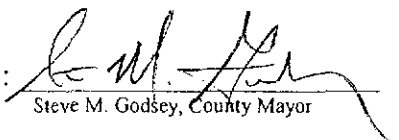
6th Commission District

**To Place A STOP Sign
On Dickson Road
At Toddman Street**

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

**Sponsored By: Terry Harkleroad
Prime Co-Sponsor(s): Matthew Johnson, Mike Surgenor**

| 2010-09-89 | Administrative | Budget | Executive | County Commission |
|---------------|------------------|------------------|------------------|---|
| ACTION | Approved 10-4-10 | Approved 10-7-10 | Approved 10-5-10 | Approved 10-18-10 22 Aye, 2 Absent |

Notes: 1st Reading 09-20-10;

RESOLUTION REQUEST REVIEW

DATE: September 14, 2010

TO: Sullivan County Commission

REQUEST MADE BY: Terry Harkleroad

SUBJECT: To place a stop sign on Dickson Road at Toddman Street

6th **CIVIL DISTRICT**

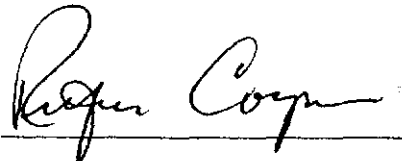
Matthew Johnson

Mike Surgenor

X **APPROVED BY HIGHWAY DEPARTMENT**

 DENIED BY HIGHWAY DEPARTMENT

COMMENT:



9/14/2010

TRAFFIC COORDINATOR



9/14/2010

HIGHWAY COMMISSIONER

Sullivan County, Tennessee
Board of County Commissioners

Item 5
Administrative/Budget
No. 2010-09-90

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 2010.

RESOLUTION To Establish The "Sullivan County Inmates Taxpayer Savings Program"

WHEREAS, the cost of government operations continues to increase with limited resources to cover the additional cost; and

WHEREAS, on any given day there are more than 600 inmates housed in the Sullivan County taxpayers' correctional facilities at a cost of approximately \$8,000,000 annually including housing, security, and medical care, etc.; and

WHEREAS, there is always an expanding need for personnel to accomplish different tasks for the Sullivan County government and its many branches of operation; and

WHEREAS, what is now known as the "Day Worker Program" was established several years ago which from its origin was a use of trustee labor from the jail for the purpose of cleaning and mowing of county facilities through the county maintenance department with no additional cost to the county taxpayers.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby establish an "Inmate Taxpayer Savings Program" Committee to coordinate with the Sheriff's Office in establishing a work program which expands the "Day Worker Program" to extend services to the various government departments and other governmental agencies in the county;

That the program shall be funded at no additional operating costs to the county; that a portion of the savings will be utilized to provide any financial support for the operation of the program;

That a monthly report be presented to the Commission on the activities and accomplishments of the program.

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

Approved this _____ day of _____ 2010.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

Sponsored By: Dwight King
Prime Co-Sponsor(s): Cathy Armstrong

| 2010-09-90 | Administrative | Budget | Executive | County Commission |
|---------------|------------------|------------------|------------------|-------------------|
| ACTION | Deferred 10-4-10 | Deferred 10-7-10 | Deferred 10-5-10 | |

Notes: 1st Reading 09-20-10; **Deferred 10-18-10;**

Sullivan County, Tennessee
Board of County Commissioners

Item 6
Executive
No. 2010-09-92

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 2010.

RESOLUTION Regarding Election Redistricting In Tennessee Counties

WHEREAS, the Tennessee Constitution in Article VII, Section 1 provides for the election of a county legislative body in each county which should equally represent all areas of the county. The county legislative body shall be composed of representatives from districts in the county as drawn by the county legislative body pursuant to statutes enacted by the General Assembly. Districts shall be reapportioned at least every ten (10) years based upon the most recent federal census; and

WHEREAS, T.C.A. SS5-1-110 through 5-1-112 requires the county legislative body of each county to meet at least once every ten years for the purpose of adopting a plan of reapportionment. By a majority vote of the membership, each county legislative body is to change the boundaries of districts, redistrict the county entirely, or increase or decrease the number of districts; and

WHEREAS, T.C.A. S5-1-111 requires local governments to use the latest federal census in drawing local legislative districts; and

WHEREAS, a reapportionment committee needs to be formed by the county legislative body for the purpose of developing the plan of redistricting; and

WHEREAS, the reapportionment committee by using the latest federal census, shall be responsible for determining the population in each voting precinct and then group these into reasonably compact and contiguous districts with substantially equal population and representation.

NOW THEREFORE BE IT RESOLVED that a committee of six commissioners be appointed and approved by a majority vote of the full commission to develop no less than two alternate plans of redistricting commission districts in Sullivan County.

BE IT FURTHER RESOLVED that every commission district (9 to 25) be assigned no more than one legislative seat per district.

BE IT FURTHER RESOLVED that the reapportionment committee/county legislative body obtain assistance in developing reapportionment plans from the County Technical Assistance Service, the Department of Economic and Community Development's Division of Local Planning, or the Comptroller of the Treasury's Office of Local Government.

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 _____ 2010.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

Sponsored By: Michael Surgenor
Prime Co-Sponsor(s): Dennis Houser

| 2010-09-92 | Administrative | Budget | Executive | County Commission |
|---------------|-------------------|------------------|-------------------|-------------------|
| ACTION | No Action 10-4-10 | Deferred 10-7-10 | No Action 10-5-10 | |

Notes: 1st Reading 09-20-10; **Deferred 10-18-10;**

Sullivan County, Tennessee
Board of County Commissioners

Item 7
Budget
No. 2010-10-93

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

RESOLUTION To Submit Grant Application, Accept Funds And Appropriate Funds

WHEREAS, Sullivan County Sheriff's Office has been awarded a Tennessee Governor's Highway Safety Office Multiple Violations Grant for the 2010-2011 Fiscal Year in the amount of \$74,796.00. The grant funds are to be used to purchase equipment and supplies that will be used in enforcing traffic violations and cover some overtime pay for officers to conduct Highway Safety activities; and

WHEREAS, the Sheriff's office has received this grant for many years in the past, funding cuts prevented Sullivan County from receiving this grant in the 2009-10 fiscal year and we feel fortunate to again receive this grant for 2010-11.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the grant funding from the Tennessee Governor's Highway Safety Office in the amount of \$74,796.00 for use by the Sullivan County Sheriff's Office.

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

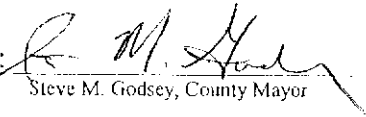
BE IT FURTHER RESOLVED that upon approval of said grant application, Sullivan County is hereby authorized to receive, appropriate, and expend said grant funds; not to exceed the above amount (\$74,796.00), as required by the grant contract. Account codes have already been established.

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Eddie Williams

Prime Co-Sponsor(s): Dwight King , Linda Brittenham

| 2010-10-93 | Administrative | Budget | Executive | County Commission |
|---------------|------------------|------------------|------------------|---|
| ACTION | Approved 10-4-10 | Approved 10-7-10 | Approved 10-5-10 | Approved 10-18-10 22 Aye, 2 Absent |

Notes:

Sullivan County, Tennessee
Board of County Commissioners

Item 8
Budget
No. 2010-10-94

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

RESOLUTION To Amend The 2010 – 2011 General Purpose School Budget For The SNAP Grant Received From The State Of Tennessee In The Amount Of \$67,659.00

WHEREAS, the additional grant funds have been made available from the State of Tennessee for this program; and

WHEREAS, these monies will be used to provide funds to schools for the purchase of consumable school supplies and instructional materials for children from food stamp eligible families; and

WHEREAS, the Sullivan County Department of Education Board approved 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:

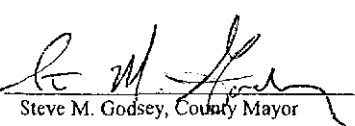
| Account Number | Account Description | Amount |
|----------------|--------------------------------------|------------|
| 47590.000 | Other Federal through State | +67,659.00 |
| 71100.429 | Instructional Supplies and Materials | +67,659.00 |

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Joe Herron
Prime Co-Sponsor(s): Terry Harkleroad; John Gardner

| | | | | |
|---------------|------------------|------------------|------------------|---|
| 2010-10-94 | Administrative | Budget | Executive | County Commission |
| ACTION | Approved 10-4-10 | Approved 10-7-10 | Approved 10-5-10 | Approved 10-18-10 22 Aye, 2 Absent |

Notes:

Sullivan County, Tennessee
Board of County Commissioners

Item 9
Budget
No. 2010-10-95

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

RESOLUTION To Amend The 2010 – 2011 General Purpose School Budget For The Safe Schools Grant Received From The State Of Tennessee (ARRA/SPSF Funds) In The Amount Of \$50,300

WHEREAS, the additional grant funds have been made available from the State of Tennessee for this program; and

WHEREAS, these monies will be used to provide funds to the Department of Education for additional security measures, signage, student led respect and leadership teams, and conflict resolution materials; and

WHEREAS, the Sullivan County Department of Education Board approved 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:

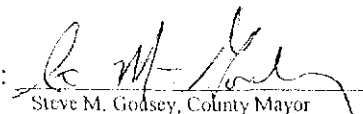
| Account Number | Account Description | Amount |
|----------------|--|------------|
| 46981.000 | Safe Schools/ARRA – Other ARRA/SPSF Funds | +50,300.00 |
| 71100.308 | Regular Instruction - Consultants | +2,000.00 |
| 71100.429 | Regular Instruction – Instructional Supplies & Mats. | +26,300.00 |
| 72620.499 | Maintenance of Plant – Other Supplies & Materials | +16,000.00 |
| 72710.399 | Transportation – Other Contracted Services | +3,000.00 |
| 72810.499 | Central and Other – Other Supplies & Materials | +3,000.00 |

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Eddie Williams
Prime Co-Sponsor(s): Bryan Boyd

| 2010-10-95 | Administrative | Budget | Executive | County Commission |
|---------------|------------------|------------------|------------------|---|
| ACTION | Approved 10-4-10 | Approved 10-7-10 | Approved 10-5-10 | Approved 10-18-10 22 Aye, 2 Absent |

Notes:

Sullivan County, Tennessee
Board of County Commissioners

Item 10
Executive
No. 2010-10-96
Attachment

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

RESOLUTION To Authorize Placing A STOP Sign On Trivette Lane And Place A 20 MPH Speed Limit On Trivette Lane Where It Intersects With Flat Woods Road In The 5th Commissioner District

WHEREAS, Commissioner Ty Boomershine requested the Sullivan County Highway Department to make this change; and,

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

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

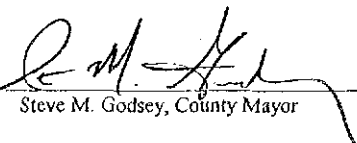
5th Commission District

**To Place A STOP Sign On Trivette Lane
And Place A 20 MPH Speed Limit On Trivette Lane
Where It Intersects With Flat Woods Road**

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

Approved this 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Ty Boomershine
Prime Co-Sponsor(s): Dwight King, Randy Morrell

| 2010-10-96 | Administrative | Budget | Executive | County Commission |
|---------------|------------------|------------------|------------------|---|
| ACTION | Approved 10-4-10 | Approved 10-7-10 | Approved 10-5-10 | Approved 10-18-10 22 Aye, 2 Absent |

Notes: **Waiver of rules requested.**

Sullivan County, Tennessee
Board of County Commissioners

Item 11
Executive
No. 2010-10-97
Attachment

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

RESOLUTION Requesting The Granting Of A Quitclaim Deed From Sullivan County Government To Michael J. Prince For The Abandonment Of Unopened Right-Of-Way Of Horseshoe Drive In Between His Properties, Lots 1-3, Block 4 And Lot 14, Block 1 Of The Jackson Heights Subdivision Of Record In Plat Book 2, Page 221, Also Being Tax Map 106M, Group "A", Parcels 1.00 And 3.00 In The 14th Civil District. This Portion Of The Land Is More Specifically Illustrated On The Attached Survey, Dated January 12, 2009, As Prepared By Gordon W. Garber, A Tennessee Registered Land Surveyor.

WHEREAS, the original subdivision plat called the Jackson Heights Subdivision illustrates this right-of-way as being dedicated to the public by plat but was never developed by the original developer nor maintained by the county; and

WHEREAS, this undeveloped right-of-way has never been a county road; and

WHEREAS, the applicant owns the adjacent lots on both sides of this unopened and unpaved road; and

WHEREAS, the property owner to the rear of this unopened road area has signed the Waiver of Interest form, stating that they do not wish to obtain any portion of this land as they maintain public road frontage and access off of Jackson Heights Road; and

WHEREAS, the area of the proposed abandonment will not affect any other landowners as illustrated on the plat; and

WHEREAS, such described rights-of-way illustrated on the survey has been recommended for approval by the Planning Director and the Highway Commissioner; and

WHEREAS, the Sullivan County Regional Planning Commission has considered this petition for right-of-way abandonment at their August 17, 2010 meeting and forwards a favorable recommendation to the County Commission; and

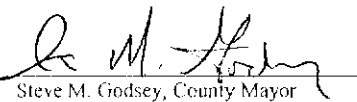
WHEREAS, the applicant shall be responsible for the costs of survey and deed preparation and subsequent recordation at no cost to the county.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, in order to help clarify title to this property, does hereby approve this request by granting a Quitclaim Deed to Mr. Michael J. Prince for the abandonment of the unopened and unpaved portion of Horseshoe Drive located adjacent to his properties in 14th civil district of the Kingsport area as illustrated on the attached survey. However, notice is hereby given to Mr. Prince and all interested parties that Sullivan County claims no interest whatsoever in this property and makes no representation otherwise.

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 18th day of October 2010.

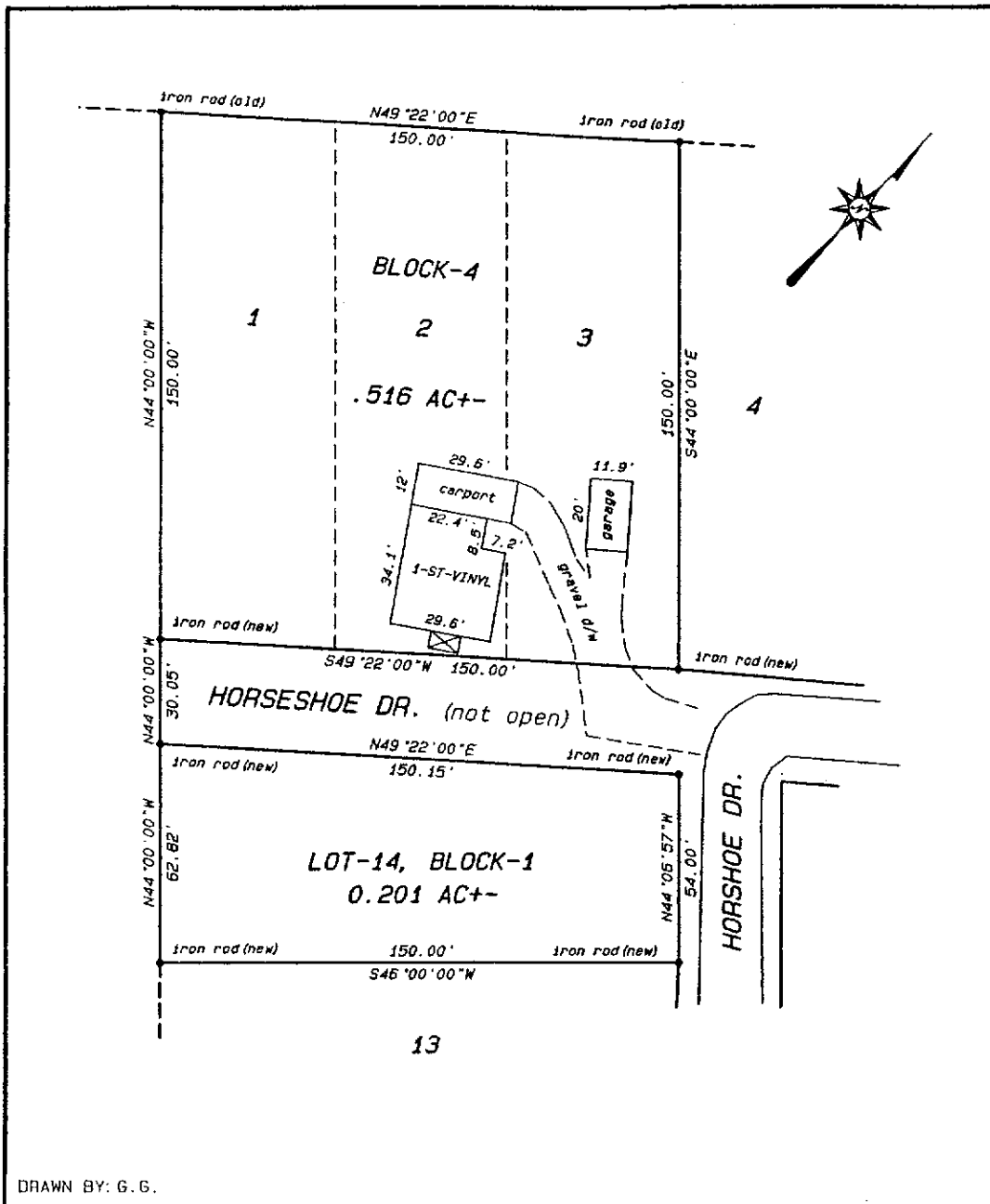
Attested: 
 Jeanie Gammon, County Clerk

Approved: 
 Steve M. Godsey, County Mayor

Sponsored By: James "Moe" Brotherton
Prime Co-Sponsor(s): John Crawford

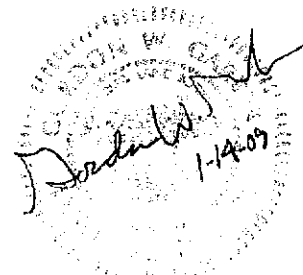
| | | | | |
|---------------|------------------|------------------|------------------|---|
| 2010-10-97 | Administrative | Budget | Executive | County Commission |
| ACTION | Approved 10-4-10 | Approved 10-7-10 | Approved 10-5-10 | Approved 10-18-10 22 Aye, 2 Absent |

Notes: **Waiver of rules requested.**



DRAWN BY: G.G.

| |
|---|
| MICHAEL J. PRINCE |
| 3370 HORSHOE DR., KINGSFORT, TN 37663 |
| 14TH CIVIL DIST., SULLIVAN CO., TN |
| TAX MAP-106-M, "A", PARCEL-1.00 & 31.00 |
| LOTS-1, 2 & 3, BLK-4, & LOT-14, BLK-1, JACKSON HEIGHTS, P.B.-2, PAGE-221 |
| SCALE: 1"=40' , DATE: 1-12-2009 |



PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA.

PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS OR COVENANTS WHICH MAY BE IN EFFECT ON SAID PROPERTY EITHER RECORDED OR UNRECORDED.

THIS MORTGAGE LOAN INSPECTION WAS PERFORMED UNDER THE AUTHORITY OF TCA 62-18-126, AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3.07. THIS MORTGAGE LOAN INSPECTION WAS MADE USING THE LATEST RECORDED DEED AND OTHER INFORMATION FURNISHED BY THE TITLE ATTORNEY.

GARBER LAND SURVEYING

GORDON W. GARBER, P.L.S.

107 1/2 E. COURTHOUSE SQ., JONESBOROUGH, TN 37659
PHONE: (423) 753-0560 FAX: (423) 753-0750

**SULLIVAN COUNTY
REGIONAL PLANNING COMMISSION
STAFF REPORT – AUGUST 17, 2010**

D. SUBDIVISION PLATS AND PLANS:

D4. Right-of-Way Abandonment – Horseshoe Drive (unopened section)

FINDINGS OF FACT -

| | |
|-----------------------|--|
| Property Owner: | public |
| Developer/Contractor: | n/a |
| Applicant: | Michael J. Prince – <i>present</i> |
| Surveyor: | Gordon Garber, rls – Garber Land Surveying |
| Engineer: | n/a |
| Location: | between lots 14 and 1, 2, and 3 of the Jackson Heights Subdivision |
| Parcel ID: | Tax Map 106M, Group A, Parcels 1 and 31 |
| Growth Boundary: | Sullivan County's Planned Growth Area |
| Existing Zoning: | R-2, medium density residential |

Staff Field Notes and General Comments:

- This request is to abandon the unopened section of Horseshoe Drive between the lots owned by Mr. Prince.
- According to the recent survey as prepared by Gordon Garber, the area in question is approximately 30 feet wide by 150 feet long.
- The applicant owns parcels on both sides of this “paper street” of the Jackson Heights Subdivision of record.
- The landowner to the rear of this property signed the Waiver of Interest form as he has road frontage on Jackson Hollow Road.
- Staff recommends in favor of this request with the following:
 - If approved by the Planning Commission, the surveyor will need to prepare the recombination plat illustrating the abandoned road to be combined with Mr. Prince's house lot (all lots 1, 2 and 3 combined as well) – this will afford him direct public road frontage;
 - Once the survey is prepared and in order, staff will prepare the County Commission resolution;
 - The resolution and plat will need to be approved by the Executive Committee and full County Commission; and
 - Lastly, if all approved the County Attorney will prepare the Quitclaim deed per legal description on the plat – the plat and deed shall then be recorded by the applicant at no cost to the county.

Discussion at Planning Commission:

no opposition

| | |
|--|--------------------------------|
| Sullivan County Regional Planning Commission Action – | |
| Approval: | <i>John, Roy – unanimously</i> |
| Denied: | Reason for Denial: |
| Deferred: | Reason for Deferral: |

3/31/09

RECEIVED

JUL 14 2010

SULLIVAN COUNTY, TN
LAND USE OFFICE

**WAIVER OF INTEREST IN ADJACENT SULLIVAN COUNTY
ROADS AND RIGHT-OF-WAYS, AND WAIVER/RELEASE
OF DAMAGES ASSOCIATED THEREWITH**

I/We George Archie Moody Frances C. Moody
(Name of Owner(s))

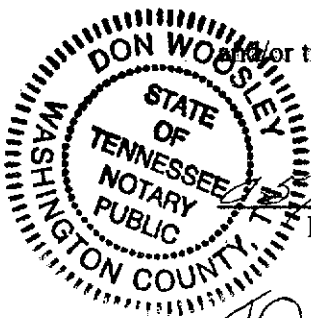
being owner(s) of land touched by the highway, road, and/or right-of-way proposed to be closed, abandoned, changed, and/or transferred to others by Sullivan County, Tennessee,

being more particularly described as unopened portion of
(Description of Highway, Road, Right-of-Way)

r-o-w between TaxMap 106M, A, 31.00 & 1.00

do hereby waive any and all interest which I/We may have in such highway, road, and/or right-of-way and do hereby waive any and all claims for damages, past, present and future, known and unknown, that I/We might sustain by such closure, abandonment, change

and/or transfer, and hereby release Sullivan County, Tennessee therefrom.



7/15/2010
Date

George Archie Moody
SIGNATURE OF OWNER

Don Wosley
Witness

George Archie Moody
Printed Name of Owner

MY COMMISSION EXPIRES 11/24/2011

Date

Frances C. Moody
SIGNATURE OF OWNER

Witness

Frances C. Moody
Printed Name of Owner

3/31/09

JUL 14 2010
SULLIVAN COUNTY
LAND USE OFFICE

**WAIVER/RELEASE OF DAMAGES ASSOCIATED WITH
CLOSURE, ABANDONMENT, CHANGE AND/OR TRANSFER
OF ADJACENT COUNTY ROAD AND/OR RIGHT-OF-WAY**

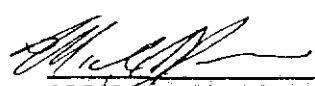
I/We Michael Prince
(Name of Owner(s))

being owner(s) of land touched by the highway, road, and/or right-of-way proposed to be closed, abandoned, changed, and/or transferred to others by Sullivan County, Tennessee,

being more particularly described as unopened portion of
(Description of Highway, Road, Right-of-Way)
r-o-w between Tax Map 106M, A, 31.00 & 41.00

do hereby waive any and all claims for damages, past, present and future, known and unknown, that I/We might sustain by such closure, abandonment, change and/or transfer, and hereby release Sullivan County, Tennessee therefrom.

5/7/2010
Date


SIGNATURE OF OWNER

Witness

Michael Prince
Printed Name of Owner

Date

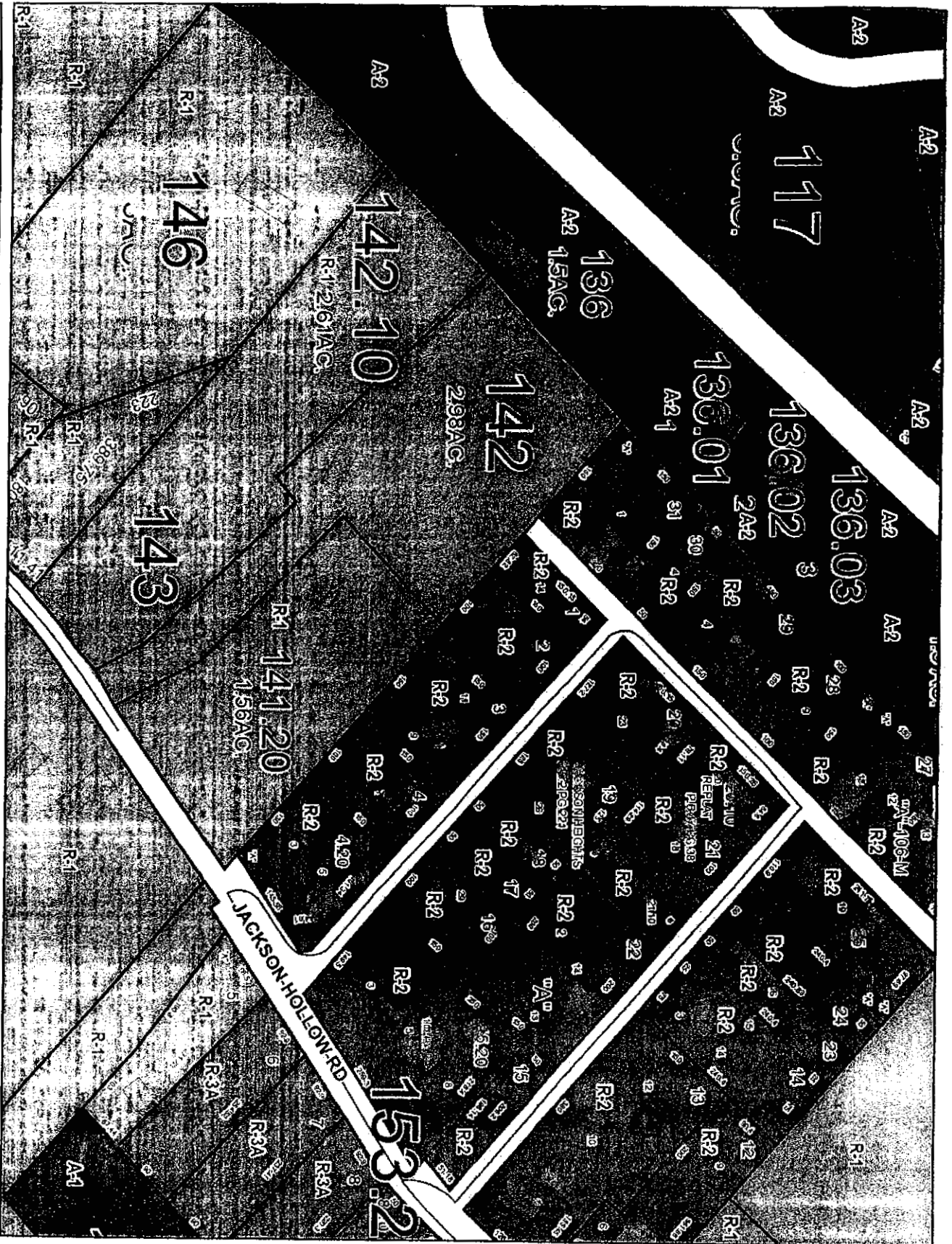
SIGNATURE OF OWNER

Witness

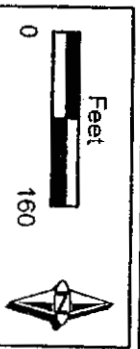
Printed Name of Owner



Sullivan County, Tennessee



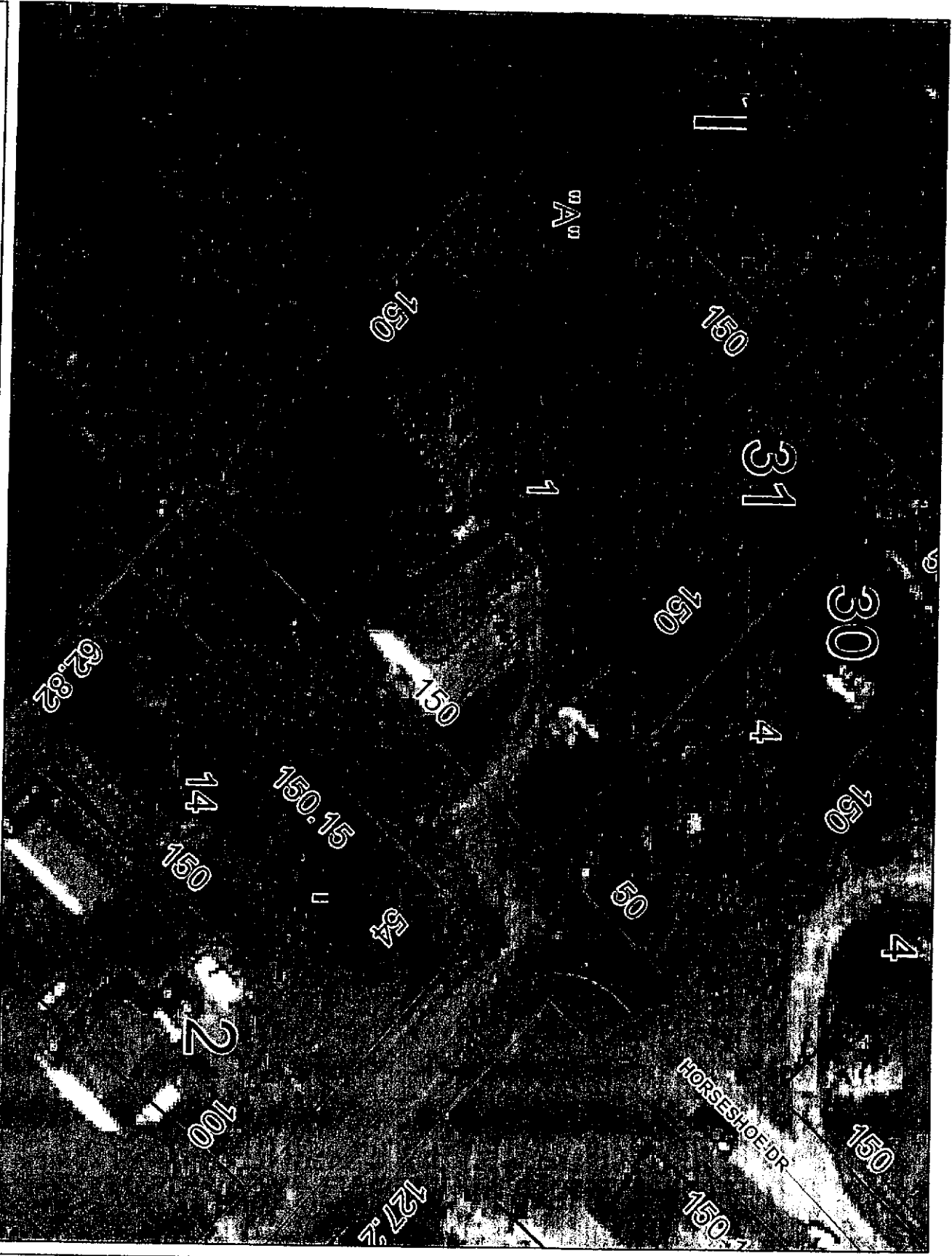
- 0.2 PCT Annual Chance Flood Hazard
- Zone A - No Base Flood Elevations Determined
- Zone AE - Base Flood Elevations Determined
- FloodWay Areas in Zone AE

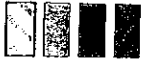
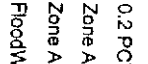
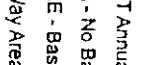
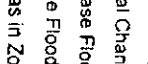


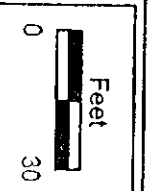
- Streets
- Parcel Lines
- Zoning
- A-1
- A-2
- AR
- B-1
- B-2
- B-3
- B-4
- Bluff City
- Bristol
- Johnson City
- Kingsport
- M-1
- M-2
- PBD-3
- PBD/SC
- PMD-1
- PMD-2
- PUD
- R-1
- R-2
- R-2A
- R-3
- R-3A
- R-3B
- Water



Sullivan County,
Tennessee



-  0.2 PCT Annual Chance Flood Hazard
-  Zone A - No Base Flood Elevations Determined
-  Zone AE - Base Flood Elevations Determined
-  FloodWay Areas in Zone AE



- Kingsport
 - Streets
 - Lot Lines
 - Parcel Lines
 - Kingsport UGB
 - Johnson City UGB
 - Creeks
 - Water Bodies
- 2008 - Color Image

Sullivan County, Tennessee
Board of County Commissioners

Item 12
Executive
No. 2010-10-98

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

RESOLUTION Amending The Property Maintenance Code Of Sullivan County To Insert Text Necessary To Clarify Sullivan County's Regulations In Certain Sections

WHEREAS, Sullivan County adopted the 2006 International Property Maintenance Code pursuant to Resolution No. 2009-05-67 approved by the Sullivan County Board of Commissioners on July 20, 2009, said Code to be in full force and effect in Sullivan County on January 1, 2010; and

WHEREAS, the 2006 International Property Maintenance Code, as adopted by Sullivan County, is a comprehensive set of regulations governing property maintenance and is used by governmental entities all over the world; and

WHEREAS, as such regulations are used internationally, certain specific requirements under the regulations are left blank such that the governing body of the jurisdiction adopting same can insert appropriate information based on location, topography, climate, etc.; and

WHEREAS, due to an oversight, three specific requirements were left blank and text needs to be inserted where appropriate to complete these three sections insofar as they pertain to Sullivan County;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby amend the Property Maintenance Code of Sullivan County by inserting the following text:

Section 302.4 – Insert “12 inches”

Section 304.14 – Insert “Year Round”

Section 602.3 – Insert “October through May”

Section 602.4 – Insert “October through May”

The amendments adopted herein shall become effective in Sullivan County upon passage of this Resolution.

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

Approved this _____ day of _____ 2010.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

Sponsored By: Dennis Houser
Prime Co-Sponsor(s): Terry Harkleroad

| 2010-10-98 | Administrative | Budget | Executive | County Commission |
|------------|------------------|------------------|------------------|-------------------|
| ACTION | Approved 10-4-10 | Deferred 10-7-10 | Approved 10-5-10 | |

Notes: **Deferred 10-18-10;**

Sullivan County, Tennessee
Board of County Commissioners

Item 13
Budget
No. 2010-10-99

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of October 2010.

RESOLUTION To Approve The Surety Bond Of The Trustee For The Updated Amount Of \$4,861,900.

WHEREAS, the Sullivan County Trustee Bond was approved during the September, 2010 Commission meeting for the amount set forth by CTAS at \$4,327,724; and

WHEREAS, the State Comptroller's Office declined to approve the bond for this amount based upon their calculations.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approve the Trustee's Bond for the amount of \$4,861,900 as prescribed by the Comptroller's Office at an additional cost of \$1,079.

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 18th day of October 2010.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Eddie Williams
Prime Co-Sponsor(s): Randy Morrell

| 2010-10-99 | Administrative | Budget | Executive | County Commission |
|------------|----------------|------------------|-----------|---------------------------------------|
| ACTION | | Approved 10-7-10 | | Approved 10-18-10 22 Aye, 2 Absent |

Notes:

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON
WHITE
MOTION MADE BY COMM. ~~WILLIAMS~~ TO MEET AGAIN IN REGULAR
SESSION NOVEMBER 15, 2010.



STEVE GODSEY

COMMISSION CHAIRMAN

