

COUNTY COMMISSION - REGULAR SESSION

SEPTEMBER 15, 1997

BE IT REMEMBERED THAT:

COUNTY COMMISSISON MET PURSUANT TO ADJOURNMENT

IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS
THIS MONDAY MORNING, SEPTEMBER 15, 1997, 9:00 O'CLOCK A. M.,
IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE
GIL HODGES, COUNTY EXECUTIVE, GAY B. FEATHERS, COUNTY CLERK,
AND KEITH CARR, SHERIFF OF SAID BOARD OF COMMISSIONERS,
TO WIT:

The Commission was called to order by County Executive, Gil
Hodges. Sheriff Keith Carr opened the Commission. Commissioner
Aubrey Kiser gave the invocation and pledge to the flag was
led by County Executive, Gil Hodges.

Commissioners present and answering roll call are as follows:

| | |
|------------------------|----------------------|
| CAROL BELCHER | JAMES L. KING, JR. |
| JAMES R. "JIM" BLALOCK | AUBREY L. KISER, JR. |
| BRYAN K. BOYD | CARL KRELL |
| JUNE CARTER | DWIGHT MASON |
| RAYMOND C. CONKIN, JR. | GARY MAYES |
| TOM DANIEL | WANY MCCONNELL |
| O. W. FERGUSON | PAUL MILHORN |
| MIKE GONCE | RONALD E. REEDY |
| RALPH P. HARR | MICHALE B. SURGENOR |
| EDLEY HICKS | MARK A. VANCE |
| PAT HUBBARD | EDDIE WILLIAMS |
| MARVIN HYATT | |

23 Present - 1 Absent (Jack Jones)

Motion was made by Commissioner Ralph Harr and seconded by
Commissioner Marvin Hyatt to approve the minutes of the regular
session of Commission held on August 18, 1997. Motion was
approved by voice vote of the Commission.

The following pages indicates the action taken by the Commission
on the election of Chairman and Chairman Pro-Tempore, re-zoning
requests, approval of notary applications and personal surety
notary bonds, and resolutions.

SEPTEMBER 15, 1997
ELECTION OF CHAIRMAN AND
CHAIRMAN PRO-TEMPORE
OF
COUNTY COMMISSION

NOMINATION BY: COMMISSIONER RALPH HARR)
2ND BY: COMMISSIONER MARK VANCE) - - GIL HODGES
for Chairman

There being no other nominations, County Executive. Gil Hodges was elected Chairman of the Commission by roll call vote of the Commission.

19 Aye, 2 Pass, 3 Absent

(ELECTION OF CHAIRMAN PRO-TEMPORE)

NOMINATION BY: COMMISSIONER HARR) COMMISSIONER
2ND BY: COMMISSIONER HUBBARD) - - O. W. FERGUSON

NOMINATION BY: COMMISSIONER SURGENOR) COMMISSIONER
SECOND BY: COMMISSIONER BELCHER) - - JIM KING

ROLL CALL AS FOLLOWS:

COMMISSIONER FERGUSON COMMISSIONER KING
19 2 Absent 3

Commissioner O. W. Ferguson was elected Chairman Pro-Tem by roll call vote of the Commission

AUGUST 18, 1997

STATE OF TENNESSEE

COUNTY OF SULLIVAN

ELECTION OF NOTARIES

| | |
|-----------------------|------------------------|
| Michael Shannon Adams | Diane D. Marano |
| Sandra Barrett | Vincent G. Marano |
| Carol J. Belcher | Deborah Ann Martin |
| Bethany Bishop | Catherine Matt |
| G. Wayne Bledsoe | Brenda D. Monteith |
| Rhonda L. Bohlender | Emily S. Neeley |
| Judy L. Botts | Daniel J. Paul |
| Velma Bragg | Freida Peterson |
| David S. Bunn | Pamela B. Pope |
| Sherry J. Carroll | Edna Quillen |
| Herschel Davidson | Dallasandra Ratliff |
| Phyllis Davidson | Teresa Ray |
| Brenda O. Davis | Carolyn M. Roark |
| Sherry DeVault | Robert G. Saddler, Jr. |
| Elizabeth Ann Estes | Claude M. Salyer |
| Patsy Fowler | Todd Savage |
| L. Taryn Fox | Sandy Shockley |
| Linda J. Fritte | Robin A. Smith |
| R. B. Godwin | Martha A. Stone |
| Janice Ann Gray | Jeffrey Lee Taylor |
| Linda Harrington | Judy S. Thomas |
| David S. Haynes | John H. Thompson, Jr. |
| April L. Holder | Melissa Ann Tootle |
| Jerry D. Holmes, Jr. | Helen M. Wheeler |
| Teresa Gail Hulse | Robert F. White, Jr. |
| Ahsley A. Kendrick | Ginger K. Williams |
| Marilyn K. Kimes | Kenneth B. Wills |
| Sharon Lott | |

Upon motion made by Commissioner Mark Vance and seconded by
 Commissioner Ralph Barr to approve the above named Notary

STATE OF TENNESSEE

COUNTY OF SULLIVAN

APPROVAL OF NOTARY PUBLIC
SURETY BONDS

Jennifer K. Boothe

April Dawn Carroll

Debra Coffman

Jackie E. Cross

Christina Hester

Annette Hines

Janice Hoelscher

Chris Templeton

Tony R. Vaughn

Upon motion made by Commissioner Mark Vance and seconded by
Commissioner Ralph Harr to approve the Notary Bonds of the
above individuals, said bonds were approved by roll call of
the Commission.

21 Aye, 3 Absent

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 1997.

RESOLUTION AUTHORIZING The Sullivan County Board of Commissioners to Consider Amendments to the Sullivan County Zoning Resolution as Amended

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT 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 Sullivan County Board of Commissioners 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 exist.

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 15th day of September, 1997

Ray B. Feathers
Attested: _____
County Clerk

Date: 9-15-97 *Gil Hodges* Date: 9-15-97
County Executive

INTRODUCED BY COMMISSIONER Belcher ESTIMATED COST: _____

SECONDED BY COMMISSIONER Kiser FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

| Commission Action | Ave | Nav | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| | | | | | |

SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS

September 15, 1997

Consider the following:

- (1) File # 7/97-3 A request by Pat McCann to rezone the property described below from A-1 to PRD : WITHDRAWN BY APPLICANT

"Being a tract of land located in the 7th Civil District on the south side of Fall Creek Road approximately 400 feet west of its intersection with Old Mill Road and further described as parcel 75.00 map 63 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 7/97-3, Pat McCann Request

Pat McCann requested that a tract of land located in the 7th Civil District on the south side of Fall Creek Road approximately 400 feet west of its intersection with Old Mill Road be rezoned from A-1 to PRD to permit the location of condominiums.

The applicant was present and spoke in support of the request stating he proposed to construct 47 homes. Homer Marcum, Clarence McMurray and Attorney Lon Boyd spoke in opposition to the request presented a petition with approximately 200 signatures stating that the request would decrease residential property values and proposed high density construction would overburden existing infrastructure. Staff stated that existing zoning would allow apartment construction and mobile home parks and that the proposed zoning would mandate site plan approval to help insure that construction fit with existing development. Staff recommended the request be approved.

Motion Hickam, second Belcher, to deny the request based on statements of those in opposition. Vote in favor of the motion: Hickam, Belcher, Kiser, Childress, Barnes; opposed Goodwin, Mullins, Brown. The motion to deny the request carried 5 to 3.

- (2) File # 7/97-9 A request by Ricky Hensley to rezone the property described below from R-1 to R-2 : APPROVED 9/15/97 ROLL CALL 21 Aye, 3 Absent

"Being a tract of land located in the 8th Civil District on the west side of Haskel Whitaker Road at its intersection with Muddy Creek Road and further described as the southerly portion of parcel 23.00 map 95 of the Sullivan County Tax Maps lying on the west side of Haskel Whitaker Rd. and 240 feet north of Muddy Creek Road."

The Planning Commission took the following action:

" File No. 7/97-9, Ricky Hensley Request

Ricky Hensley requested that a tract of land located in the 8th Civil District on the west side of Haskel Whitaker Road at its intersection with Muddy Creek Road be rezoned from R-1 to R-2 to permit the location of a single-wide home.

The applicant was present. No opposition was presented. Staff stated the request was compatible with existing zoning and land use patterns but recommended that the area to be rezoned be reduced to include only the southerly portion of parcel 23 lying on the west side of Haskel Whitaker Road and 240 feet north of Muddy Creek Road containing approximately 1.5 acres. The applicant accepted staff recommendation.

Motion Barnes, second Belcher to approve the request as recommended by staff. Vote in favor of the motion unanimous.

- (3) File # 8/97- 2 A request by Alice Hunsucker to rezone the property described below from R-1 to A-1 : APPROVED 9/15/97 ROLL CALL 21 Aye, 3 Absent

"Being a tract of land located in the 5th Civil District on the south side of Cook Hollow Road approximately 400 feet from its dead end and further described as parcel 41.00 map 36 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/97-2, Alice Hunsucker Request

Alice Hunsucker requested that a tract of land located in the 5th Civil District on the south side of Cook Hollow Road approximately 400 feet from its dead end be rezoned from R-1 to A-1 to permit the location of a single-wide mobile home. The applicant was present. No opposition was presented. Staff stated the request was compatible with existing zoning and land use patterns and recommended approval.
Motion Belcher, second Mullins to approve the request as recommended by staff. Vote in favor of the motion unanimous.

- (4) File # 8/97-3 A request by Jack Owens to rezone the property described below from R-1 to R-2:
APPROVED 9/15/97 ROLL CALL 21 Aye, 3 Absent

"Being a tract of land located in the 16th Civil District on the south side of Tate Road approximately 800 feet south of its intersection with Timberidge and further described as parcels 205.30 and 205.35 map 111 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/97-3, Jack Owens Request

Jack Owens requested that a tract of land located in the 16th Civil District on the south side of Tate Road approximately 800 feet south of its intersection with Timberidge be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home. The applicant was present. No opposition was presented. Staff stated the request was compatible with existing zoning and land use patterns and recommended approval.
Motion Barnes, second Belcher to approve the request as recommended by staff. Vote in favor of the motion unanimous.

- (5) File # 8/97-4 A request by Paul Brooks to rezone the property described below from R-1 to B-3:
APPROVED 9/15/97 ROLL CALL 21 Aye, 3 Absent

"Being a tract of land located in the 13th Civil District on the south side of Rock Springs Road approximately 2000 feet south of its intersection with I-181 and further described as parcel 1.00 group A map 105F of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/97-4, Paul Brooks Request

Paul Brooks requested that a tract of land located in the 16th Civil District on the south side of Rock Springs Road approximately 2000 feet south of its intersection with I-181 be rezoned from R-1 to B-3 to permit the location of a lawn mower shop. The applicant was present and spoke in support of the request noting that the requested zoning was adjacent to M-1 zoning on the north and would be a buffer for existing residential development to the south. No opposition was presented. Staff stated that the request was incompatible with predominate existing zoning and land use patterns to the south on Rock Springs Road and recommended the request be denied.
Motion Kiser, second Hickam to approve the request based on comments of the applicant and absence of opposition from neighborhood residents. Vote in favor of the motion unanimous.

- (6) File # 8/97-5 A request by James F. Harrison to rezone the property described below from R-1 to R-2:
APPROVED 9/15/97 ROLL CALL 21 Aye, 3 Absent

"Being a tract of land located in the 15th Civil District on the north side of Bays Mountain Trail approximately 560 feet north of its intersection with Reservoir Road and further described as that part of parcel 27.10 map 90 of the Sullivan County Tax Maps centered on the front property line 200ft. x 200ft."

The Planning Commission took the following action:

" File No. 8/97-5, James F. Harrison Request

James F. Harrison requested that a tract of land located in the 15th Civil District on the north side of Bays Mountain Trail approximately 360 feet north of its intersection with Reservoir Road be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

The applicant was present and spoke in support of the request noting that there are existing mobile homes in the area. Staff stated that the request was incompatible with predominate zoning and land use patterns and recommended it be denied. Motion Barnes, second Kiser to approve zoning to R-2 of a 200 foot by 200 foot area at the middle front of the property. The applicant accepted the proposal. Vote in favor of the motion unanimous.

- (7) File # 8/97-6 A request by Marvin and Evelyn Hurst to rezone the property described below from R-1 to B-1 :

REQUEST DISAPPROVED 9/15/97 ROLL CALL 8 Aye, 11 Nay, 2 Pass, 3 Absent
 "Being a tract of land located in the 10th Civil District on the south side of Orebank Road at its intersection with Cannon St and further described as parcel 13.00 group A map 48A of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/97-6, Marvin and Evelyn Hurst Request

Marvin and Evelyn Hurst requested that a tract of land located in the 10th Civil District on the south side of Orebank Road at its intersection with Cannon Street be rezoned from R-1 to B-1 to permit the location of a Laundromat.

The applicant was present and spoke in support of the request. Gary Lawson spoke in opposition to the request citing the potential negative impact of the proposed business use on an adjacent church and residential area. Staff stated that the request was compatible with existing business and high density residential zones and uses along Orebank Road and recommended approval.

Motion Barnes, second Mullins to approve the request as recommended by staff. Vote in favor of the motion: Barnes, Mullins; vote opposed Belcher, Kiser, Hickam. The motion fails 2 to 3.

- (8) File # 8/97-7 A request by Beatrice Grissom to rezone the property described below from R-1 to R-2 : Deferred back to Planning Commission by the Commissioners

"Voice Vote"
 "Being a tract of land located in the 15th Civil District on the west side of Reservoir Road approximately 500 feet north of its intersection with Glen Alpine Road and further described as parcel 39.00 map 90 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/97-7, Beatrice Grissom Request

Beatrice Grissom requested that a tract of land located in the 15th Civil District on the west side of Reservoir Road approximately 500 feet north of its intersection with Glen Alpine Road be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

The applicant was present and spoke in support of the request. Stanley Jones, a neighbor spoke in opposition to the request citing potential negative impact on residential property values. Staff stated that the request was incompatible with predominate zoning and land use patterns and recommended the request be denied.

Motion Barnes, second Kiser, to deny the request based on comments of the opposition and staff recommendation. Vote in favor of the motion unanimous.

- (9) File # 8/97-8 A request by John P. Roller to rezone the property described below from R-1 to R-2 :

APPROVED 9/15/97 ROLL CALL 21 Aye, 1 Pass, 2 Absent

"Being a tract of land located in the 7th Civil District on the south side of Cedar Branch Road approximately 1600 feet south of its intersection with Poor Hollow Road and further described as that portion of parcel 38.20 map 63 of the Sullivan County Tax Maps lying on the northerly side 120ft. wide by 480ft. deep."

The Planning Commission took the following action:

" File No. 8/97-8, John P. Roller Request

John P. Roller requested that a tract of land located in the 7th Civil District on the south side of Cedar Branch Road approximately 1600 feet south of its intersection with Poor Hollow Road be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

The applicant was present. Neighbors Margie Larkins and Fred Horn spoke in opposition to the request citing negative impact on residential property values. Staff stated that the proposed zoning was incompatible with predominate zoning and land use patterns and recommended the request be denied.

Motion Mullins, second Hickam to approve zoning of a reduced area approximately 120 feet by 480 feet being the northerly section of parcel 38.20 only. The applicant and those in opposition agreed on this compromise. Vote in favor of the motion unanimous.

- (10) File # 8/97-9 A request by Sullivan County Tennessee to rezone the property described below from A-1 to PMD-1 :

APPROVED 9/15/97 ROLL CALL 21 Aye, 3 Absent .
 "Being a tract of land located in the 9th Civil District on the south side of Industrial Park Road approximately 2000 feet south of its intersection with U.S. Hwy. 11-E and further described as parcel 73.00 map 124 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/97-9, Sullivan County Tennessee Request
 Sullivan County Tennessee requested that a tract of land located in the 9th Civil District on the south side of Industrial Park Road approximately 2000 feet south of its intersection with U.S. Hwy. 11-E be rezoned from A-1 to PMD-1 to permit the location of an expansion of the Tri-County Industrial Park.
 Jack Lawson was present representing the applicant - Sullivan County. No opposition was presented. Staff recommended the request be approved as it was compatible with existing zoning and land use.
 Motion Belcher, second Barnes, to approve the request as recommended by staff. Vote in favor of the motion unanimous.

- (11) File # 8/97-11 A request by Ron Ramsey to rezone the property described below from R-1 to PBD :

APPROVED 9/15/97 ROLL CALL 21 Aye, 3 Absent
 "Being a tract of land located in the 5th Civil District on the west side of State Hwy. 37 approximately 1700 feet north of its intersection with Buncombe Road and further described as parcel 34.10 map 66 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/97-11, Ron Ramsey Request
 Ron Ramsey requested that a tract of land located in the 5th Civil District on the west side of State Hwy. 37 approximately 1700 feet north of its intersection with Buncombe Road be rezoned from R-1 to B-3 to permit the location of a Real Estate Office.
 The applicant was not present. No opposition was presented. Staff recommended zoning to PBD, a designation that would allow the applicant to develop the property as requested and allow the commission site plan review.
 Motion Barnes, second Hickam to approve zoning to PBD as recommended by staff. Vote in favor of the motion unanimous.

DEFERRED (12)
9/15/97
See Resolution
#6

Consider amendment of the Sullivan County Zoning Resolution as set forth in Sullivan County Board of Commissioners substitute resolution 9 dated August 18, 1997 as follows:

FROM A-1 GENERAL AGRICULTURAL DISTRICT:

Delete 601.1.3 Two family and multi family dwellings (it is in R-2A)

Change 601.1.4 to read as follows: mobile homes on single lots. However up to three mobile homes may be permitted for tenant usage on large acreage farming enterprises.

Delete 601.1.5 Mobile Home Parks (it is in R-3)

Move 601.1.10 Airports to the M-2 (High Impact District)

Delete 601.1.11 Grocery Stores and Service Stations (it is in B-1)

Move 601.1.14 Sawmills to the M2 (High Impact) District

Add "Sawmills" provided activities shall be restricted to timber grown and harvested on the premises

Move 601.1.17 Uses permitted on Review to B-1

Add Section 603.1.9 stating allow for any use permitted in the R-1 Residential District

FROM B-1 BUSINESS DISTRICT:

Change 608.1.1. Any use permitted in the R-3A Residential District

GENERAL PROVISIONS:

507 "Mobile Home Parks" change to read as follows: Mobile home parks shall be permitted in the R-3 (High Density) Residential District. Two or more mobile homes on the same lot constitutes a mobile home park. The following property development standards shall apply to all mobile home parks.

509 "Temporary Use Regulations" Add new section 509.5 A temporary permit to allow a single wide mobile home on the same lot where a permanent home is being constructed or restored may be issued for a period of time, no greater than 12 months. The building commissioner may extend the permit, if substantial completion of the permanent residence is evidenced for an additional 3 months. In order to assure the removal of the mobile home when the permit expires a fully executed and notarized agreement will be required.

CREATE A NEW DISTRICT R-3B

608. It is the intent of this district to provide for areas of high density residential single family development, exclusive of two family units, multi family units, and mobile homes.

608.1. Within the R-3B (High Density Residential District of Sullivan County the following uses are permitted:

608.1.1 Any use permitted in the R-1 Residential District except for two family structures.

608.2. Area Regulations

608.2.1 Lot Area

Minimum required lot area for single family dwelling units - - - -7,500 sq. Ft.

608.2.2 Lot Width - Minimum required lot width at building line - - - 50 ft.

608.2.3. Front Yard - Minimum required front yard - - - - - 30 ft.

608.2.4 Rear Yard - Minimum required rear yard - - - - - 20 ft.

608.2.5. Side Yard - Minimum required side yard - - - - - 10 ft.

Minimum required additional side yard for all buildings over two stories - - 6 ft. Per story

The planning commission took the following action:

The commission and staff reviewed the proposed amendments as set forth above and heard comments.

Motion Hickam, second Kiser to approve proposed amendments to the Sullivan County Zoning Resolution as set forth in Sullivan County Board of Commissioners substitute Resolution 9 dated August 18, 1997 with the following modifications:

(1) Under General Provisions, Section 507, the sentence - Two or more mobile homes on the same lot constitutes a mobile home park. - shall not apply to Section 601.1.4 of the A-1 General Agricultural District.

(2) Under General Provisions, Section 509.5, add last sentence as follows: The temporary permit is to be issued before the single wide mobile home is placed on the lot and the applicant shall be advised that he should determine the existence and affect of any private deed restrictions that may apply to the lot.

Vote in favor of the motion: Hickam, Kiser, Mullins, Barnes; vote opposed: None, abstain: Belcher. The motion carried 4 to 0 with 1 abstention.

DEFERRED (12)
9/15/97
See Resolution
#6

Consider amendment of the Sullivan County Zoning Resolution as set forth in Sullivan County Board of Commissioners substitute resolution 9 dated August 18, 1997 as follows:

FROM A-1 GENERAL AGRICULTURAL DISTRICT:

Delete 601.1.3 Two family and multi family dwellings (it is in R-2A)

Change 601.1.4 to read as follows: mobile homes on single lots. However up to three mobile homes may be permitted for tenant usage on large acreage farming enterprises.

Delete 601.1.5 Mobile Home Parks (it is in R-3)

Move 601.1.10 Airports to the M-2 (High Impact District)

Delete 601.1.11 Grocery Stores and Service Stations (it is in B-1)

Move 601.1.14 Sawmills to the M2 (High Impact) District

Add "Sawmills" provided activities shall be restricted to timber grown and harvested on the premises

Move 601.1.17 Uses permitted on Review to B-1

Add Section 603.1.9 stating allow for any use permitted in the R-1 Residential District

FROM B-1 BUSINESS DISTRICT:

Change 608.1.1. Any use permitted in the R-3A Residential District

GENERAL PROVISIONS:

507 "Mobile Home Parks" change to read as follows: Mobile home parks shall be permitted in the R-3 (High Density) Residential District. Two or more mobile homes on the same lot constitutes a mobile home park. The following property development standards shall apply to all mobile home parks.

509 "Temporary Use Regulations" Add new section 509.5 A temporary permit to allow a single wide mobile home on the same lot where a permanent home is being constructed or restored may be issued for a period of time, no greater than 12 months. The building commissioner may extend the permit, if substantial completion of the permanent residence is evidenced for an additional 3 months. In order to assure the removal of the mobile home when the permit expires a fully executed and notarized agreement will be required.

"SECOND SUBSTITUTE"

RESOLUTION NO. 3

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 19th DAY OF MAY, 1997.

RESOLUTION AUTHORIZING The addition of the City of Bristol Fire Department and the City of Kingsport Fire Department to the Volunteer Fire Department's truck rotation schedule.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 19th day of May, 1997;

THAT, WHEREAS, the Sullivan County Board of Commissioners approved a 1996-1997 fiscal year appropriation of \$125,000.00 to the Volunteer Fire Departments for the purchase of a new fire truck and has a plan to continue to do so each year for a period of ten years.

WHEREAS, it is the intent of the 10 year plan to insure replacement of the fire truck on a 20-year replacement program.

WHEREAS, it is felt that the Cities of Bristol and Kingsport should be included in the fire truck rotation schedule.

WHEREAS, to insure that the program is not interrupted, on the 5th year the county should approve adding the City of Bristol Tennessee Fire Department and on the 10th year adding the City of Kingsport Fire Department.

WHEREAS, the fire departments will be responsible for providing liability insurance on the unit while in their possession;

NOW, THEREFORE, BE IT RESOLVED by the Sullivan County Board of Commissioners that the City of Bristol Tennessee and the City of Kingsport should be added to the truck rotation schedule to receive a new truck; therefore, the City of Bristol Tennessee Fire Department should be added on the 5th year and the City of Kingsport should be added on the 10th year to the rotation schedule as shown below effectively raising the planned appropriation to \$250,000.00 for those two years:

1. 421 Emergency Service, Inc.
2. Piney Flats Volunteer Fire Department
3. Avoca Volunteer Fire Department
4. Bluff City Volunteer Fire Department
- 5a. Hickory Tree Volunteer Fire Department
- 5b. City of Bristol Tennessee Fire Department
6. Sullivan County Volunteer Fire Department
7. Sullivan West Volunteer Fire Department
8. Bloomingdale Volunteer Fire Department

BE IT FURTHER RESOLVED that this resolution shall in no way obligate Sullivan County for future appropriations to any of the above-referenced fire departments.

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

This resolution shall become effective on the _____ day of _____, 19____, the public welfare requiring it.

Duly passed and approved this 15th day of Sept. 19 97.

Attested: [Signature] County Clerk Date: 9-15-97
[Signature] County Executive Date: 9-15-97

INTRODUCED BY COMMISSIONER M. Vance ESTIMATED COST: _____
 SECONDED BY COMMISSIONER P. Hubbard FUND: _____
 Brian Boyd
 Gary Mayes

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | 14 | 4 | 3 | 3 | |
| Voice Vote | | | | | |

COMMENTS: DEFERRED 8/18/97
APPROVED 9/15/97 ROLL CALL

DRAFT

*Attachment
Rev# 43*

0361

WHEREAS, _____

(hereinafter referred to as "Volunteer Fire Department"), is a Tennessee non-profit corporation providing emergency fire services to the citizens of its surrounding community; and

WHEREAS, Sullivan County, Tennessee provides certain funding to non-profit corporations who provide valuable services to its citizens; and,

WHEREAS, in exchange for Sullivan County, Tennessee appropriating funds in the sum of _____ (\$ _____) Dollars for the _____ fiscal year and Volunteer Fire Department accepting said funds, Volunteer Fire Department agrees to the following:

1. The entire amount of funds appropriated by Sullivan County as set out herein shall be paid by Sullivan County towards the purchase of a front-line pumper fire truck (hereinafter referred to as "fire truck") for the sole use and benefit of Volunteer Fire Department.

2. Fire truck shall be titled in the name of Volunteer Fire Department and Sullivan County shall be listed as a lienholder on the title to said fire truck to secure this agreement.

3. (a) Volunteer Fire Department agrees to defend, save harmless and indemnify Sullivan County, Tennessee, its governing body, officers and employees from and against any and all claims, loss, damages, liability or expense, including reasonable attorney fees and expenses of litigation, arising out of or in any way related to the purchase and/or use of the aforesaid fire truck, any accident in which the fire truck is involved, or from any damage, neglect, misadventure, willful act or omission arising from or in any way growing out of the use, misuse or abuse of the

Attachment
Res. # 3

insurance as hereafter set forth.

(b) Volunteer Fire Department shall at all times during the term of this Agreement maintain general public liability insurance on the fire truck in the minimal amount of Three hundred thousand (\$300,000.00) Dollars per person and One million (\$1,000,000.00) Dollars per occurrence and shall list Sullivan County as an additional insured on such policy.

(c) Volunteer Fire Department agrees to furnish to Sullivan County, upon request, Certificate(s) of Insurance verifying such coverage.

4. Volunteer Fire Department shall not sell, trade, loan, rent or give away the fire truck at any time.

5. Volunteer Fire Department shall provide to Sullivan County copy of invoice evidencing proposed purchase of the fire truck prior to a warrant being issued by Sullivan County toward such purchase and Volunteer Fire Department shall notify, in writing, the Sullivan County Risk Manager of receipt of the fire truck upon delivery, with said notice to include the fire truck's make, model and identification number.

6. Volunteer Fire Department agrees not to encumber the fire truck or pledge same as collateral in any form or fashion other than for original purchase money security interest for sums necessary to purchase said fire truck over and above those funds appropriated by Sullivan County.

7. In the event Volunteer Fire Department ceases to provide emergency fire services or in the event Volunteer Fire Department loses its charter as a non-profit corporation in the State of Tennessee, the fire truck shall immediately be surrendered to Sullivan County for disposition.

Attachment 0368
Pg # 3

Department an agent, representative or employee of Sullivan County. Any and all personnel of Volunteer Fire Department shall have no contractual relationship with Sullivan County and shall not be considered employees of Sullivan County. Any and all claims alleging violation of any state or federal employee rights, including, but not limited to, discrimination claims and claims under the Unemployment Compensation Act or Worker's Compensation Act of the State of Tennessee, shall in no way be the responsibility of Sullivan County. Volunteer Fire Department shall defend, indemnify and hold Sullivan County, its officers, agents and employees harmless from any and all such claims including reasonable attorney's fees and expenses. Such personnel of Volunteer Fire Department shall neither require nor be entitled to any compensation, rights or benefits of any kind whatsoever from Sullivan County.

9. Volunteer Fire Department shall at all times maintain compliance with federal, state and local laws and regulations with regard to its purpose, activities, policies and procedures and provision of emergency and community services.

10. Volunteer Fire Department agrees that in the event it breaches or violates any of the aforesaid covenants contained herein, that, upon request, it will reimburse Sullivan County, Tennessee all funds received pursuant to the aforesaid budgetary allocation as may be required by demand of Sullivan County, Tennessee, by law or by any court of competent jurisdiction.

IN TESTIMONY WHEREOF, Volunteer Fire Department, through its duly authorized officer(s) has hereunto executed this instrument for the purposes herein expressed, this the _____ day of _____,

BY _____
Title: _____

BY _____
Title: _____

*Attachment
R# 63*

STATE OF TENNESSEE:
COUNTY OF SULLIVAN:

Before me, the undersigned authority, of the state and county aforesaid, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be President (or other officer authorized to execute the instrument) of _____, the within-named bargainer, a corporation, and that he/she as such President or officer executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as _____.

WITNESS my hand and seal, at office in _____, Tennessee, this ____ day of _____, _____.

Notary Public

My commission expires:

STATE OF TENNESSEE:
COUNTY OF SULLIVAN:

Before me, the undersigned authority, of the state and county aforesaid, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be President (or other officer authorized to execute the instrument) of _____, the within-named bargainer, a corporation, and that he/she as such President or officer executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as _____.

WITNESS my hand and seal, at office in _____, Tennessee, this ____ day of _____, _____.

Notary Public

My commission expires:

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 16th DAY OF June 1997.

RESOLUTION AUTHORIZING Payment of Shift Differential for County Employees

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 16th day of June 1997

THAT WHEREAS, Many County employees work rotating shifts to provide services, and

WHEREAS, There is no pay premium for these employees, and

WHEREAS, General industry has paid shift premium for years which has become a standard for general industry.

NOW, THEREFORE BE IT RESOLVED, That County employees be paid a three percent (3%) premium on the hourly rate for shifts which begin at 2:00 p.m. and end at 10:00 p.m., and four (4%) on the hourly rate for shifts beginning at 10:00 p.m. and ending at 7:00 a.m., and

FURTHER BE IT RESOLVED, That hourly exempt employees and elected officials are not eligible for the premium.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this ___ day of _____, 19__.

Attested: _____ Date: _____
County Clerk County Executive

INTRODUCED BY COMMISSIONER Mayes ESTIMATED COST: _____
 SECONDED BY COMMISSIONER Vance FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|---------|
| Administrative | | | ✓ | 7/7/97 |
| Budget | ✓ | | | 7/10/97 |
| Executive | | | | |

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | | | | | |
| Voice Vote | | | | | |

COMMENTS: FIRST READING 6/16/97 DEFERRED 7/21/97
 DEFERRED 8/18/97 WITHDRAWN 9/15/97

ATTACHMENT
RESOLUTION No. 4

PROPOSED AMENDMENT

RES. #4 - Payment of Shift Differential for County Employees

BE IT RESOLVED, That employees working rotating shifts be paid a premium of \$.20 per hour for all three shifts.

INTRODUCED BY COMMISSIONER: Blalock
SECONDED BY COMMISSIONER: Reedy

COMMENTS: DEFERRED 8/18/97 WITHDRAWN 9/15/97

RESOLUTION NO. 1965

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 21st DAY OF JULY, 1997.

RESOLUTION AUTHORIZING Salary of Full-Time County Attorney

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 21st day of July, 1997;

WHEREAS, the Sullivan County Board of Commissioners has heretofore ratified Private Chapter No. 64 (House Bill No. 2009) of the Private Acts of 1997 making the position of Sullivan County Attorney full-time; and

WHEREAS, pursuant to the aforesaid Private Act, the Sullivan County Board of Commissioners must establish a salary for the full-time position of Sullivan County Attorney at lease sixty (60) days before the qualifying deadline for primary elections for the Office of the Sullivan County Attorney for 1998;

NOW, THEREFORE, BE IT RESOLVED that effective with the August, 1998 election the salary of the Sullivan County Attorney shall thereafter be the same as that of a District Attorney General and such compensation shall be recomputed annually on July 1st to allow for any adjustments to the salary of District Attorney General.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this ___ day of _____, 19__.

Attested: _____ Date: _____ County Clerk
County Executive Date: _____

INTRODUCED BY COMMISSIONER Blalock ESTIMATED COST: _____
SECONDED BY COMMISSIONER Reedy FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|---------|
| Administrative | | | | 7/7/97 |
| Budget | | | | 7/10/97 |
| Executive | | | | |

NO ACTION
NO ACTION

RESOLUTION NO. 258

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 18th DAY OF AUGUST, 1997.

RESOLUTION AUTHORIZING Dissolution of Existing Sullivan County E-911 Board

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 18th day of August, 1997;

NOW, THEREFORE, BE IT RESOLVED that due to the legality of the current Sullivan County E-911 Board being called into question, the Sullivan County Board of Commissioners hereby dissolve the Sullivan County E-911 Board as it currently exists.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this ____ day of _____, 19 97.

Attested: _____ Date: _____ County Clerk County Executive

INTRODUCED BY COMMISSIONER B. Boyd ESTIMATED COST: _____
SECONDED BY COMMISSIONER M. Vance FUND: _____

T. Daniel

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | | | | | |
| Voice Vote | | | | | |

COMMENTS: DEFERRED 8/18/97 WITHDRAWN 9/15/97

RESOLUTION NUMBER 9

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 1997.

RESOLUTION AUTHORIZING The County Executive to Draft a Letter to Senators Bill Frist and Fred Thompson and Congressman William Jenkins Relative to Medicare Reimbursement for Ambulance Transport Miles

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT WHEREAS, The intent of the proposed letter is to encourage the local U.S. Delegation to initiate an investigation into Medicare reimbursements in the State of Tennessee, and

WHEREAS, Tennessee is one of only two (2) states not reimbursed for all loaded transport miles - only out of county mileage. Counties such as Sullivan County [with several hospitals] receive little or no mileage reimbursement, and

WHEREAS, Tennessee's reimbursement rate averages thirty percent (30%) less than surrounding states such as Kentucky, Alabama, Mississippi and Georgia, and

WHEREAS, Tennessee and Sullivan County citizens are paying the same medicare tax rate as surrounding states. Accordingly, our elderly citizens should be reimbursed at the same rate,

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners authorizes the County executive, with the assistance of the Director, Emergency Medical Service, to draft a letter to United States Senators Bill Frist and Fred Thompson and Congressman William Jenkins, encouraging an investigation into medicare reimbursements in the State of Tennessee; and further, that a copy of this Resolution be forwarded with the correspondence.

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

This resolution shall become effective on _____, 1997, the public welfare requiring it.

Duly passed and approved this 15th day of Sept, 1997
Attested: Ray B. Feather Date: 9-15-97 Gil Hodges Date: 9-15-97
County Clerk County Executive

INTRODUCED BY COMMISSIONER Mayer ESTIMATED COST: _____

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | | | | | |
| Voice Vote | X | | | | |

COMMENTS: WAIVER OF RULES APPROVED 9/15/97 VOICE VOTE

SUBSTITUTE RESOLUTION NUMBER 10

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING ~~RELOCATION OF SIMPLY PETRO PRODUCTS~~ Funds for Use by Bluff City for a Sanitary Sewer Trunk Line Project

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT WHEREAS, Bluff City plans to abandon its sewage treatment plant and install a trunk line to Bristol's pump station at the bridge on Highway 11-E, a distance of approximately 555 feet and a cost estimate of \$467,000.
3,556

WHEREAS, Bluff City has received a grant in the sum of \$167,000 to be used for this purpose, however, additional funding of \$300,000 is required in order to complete the project, and

WHEREAS, The City-County Sewer Agreement of 1996 designates \$1.5M for Bluff City in the year 2000-2001 for a trunk line for the Highway 19-E Corridor. The trunk line from the treatment plant to the bridge which is currently being considered will be a segment of the designated Highway 19-E Corridor project, and

WHEREAS, Bluff City has requested that the City-County Sewer Agreement be amended to allow Bluff City to receive at this time the sum of \$300,000 from the \$1.5M amount designated for the year 2000-2001, thereby reducing by the same amount the funding designated for Bluff City in the year 2000-2001, and

NOW, THEREFORE BE IT RESOLVED, That the necessary approval to amend the priority schedule as set forth in the City-County Sewer Agreement of 1996 is as follows:

BLUFF CITY

| | | |
|---------------------------------|--------------|---------|
| Bluff City - Bristol Connection | 300,000 | 1997-98 |
| Highway 19-E Corridor | \$ 1,200,000 | 2000-01 |

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 15th day of September, 19 97

Attested: B. Feacher
County Clerk

Date: 9-15-97
Gil Hodges
County Executive

Date: 9-15-97
10-27-97

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | 21 | | 1 | 2 | |
| Voice Vote | | | | | |

COMMENTS: WAIVER OF RULES APPROVED 9/15/97 ROLL CALL

EXHIBIT "A"

ATTACHMENT
RESOLUTION No. 10PROPOSED TRUNK LINES

| <u>Name</u> | <u>Est. Cost</u> | <u>Fiscal Year Funded</u> |
|--|------------------|---------------------------|
| <u>Kingsport</u> | | |
| N. Beason Well, Bloomingdale, Cedar Grove, Rosetree | \$ 1,900,000 | 1996-97 |
| Steadman Farm Industrial Park | 500,000 | 1996-97 |
| Steadman Farm Industrial Park | 500,000 | 1997-98 |
| Sewer System Study | 100,000 | 1997-98 |
| E. Stone Drive | 1,400,000 | 1997-98 |
| E. Stone Drive | 1,000,000 | 1998-99 |
| Carter's Valley (N. Kingsport) | 1,000,000 | 1998-99 |
| Carter's Valley (N. Kingsport) | 1,000,000 | 1999-00 |
| West Shipley Ferry Road & Misc. | <u>600,000</u> | As Needed |
| Total | \$ 8,000,000 | |
| <u>Bristol</u> | | |
| Whitetop Creek, Phase 1 | \$2,000,000 | 2001-02 |
| | 110,000 | 2002-03 |
| Whitetop Creek, Phase 2 | 1,890,000 | 2002-03 |
| | 500,000 | 2003-04 |
| Evans Creek Pump Station Upgrade | 850,000 | 2003-04 |
| Hwy. 11-W, Reedy Creek, Phase 1 | 650,000 | 2003-04 |
| | 1,390,000 | 2004-05 |
| Hwy. 11-W, Reedy Creek, Phase 2 | 610,000 | 2004-05 |
| | 1,675,000 | 2005-06 |
| Unspecified | <u>825,000</u> | As needed |
| Total | \$10,500,000 | |
| <u>Bluff City</u> | | |
| Bluff City – Bristol Connection | 300,000 | 1997-98 |
| Highway 19-E Corridor | \$ 1,200,000 | 2000-01 |

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING Fixing the Tax Levy for Sullivan County Tennessee for the Fiscal Year Effective July 1, 1997 and Ending June 30, 1998

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 19 97.

THAT WHEREAS, The Budget Committee of the Board of Commissioners of Sullivan County, Tennessee has reported on its deliberations and recommended the adoption of a tax rate for Sullivan County, Tennessee for the ensuing fiscal year effective July 1, 1996 and after due consideration by the entire County Commission, the following action is taken:

BE IT RESOLVED, That the Board of Commissioners of Sullivan County, Tennessee in session duly assembled, a quorum being present, on the 15th day of September, 1997 that the combined property tax for Sullivan County, Tennessee for the fiscal year effective July 1, 1997 and ending June 30, 1998 shall be the sum of \$2.58 on each \$100.00 of taxable property in said County, which shall be for the purpose of providing revenue for each of the following funds and otherwise conform to the following levies for the following uses and purposes, to wit:

| <u>FUND:</u> | <u>RATE:</u> |
|---------------------------------|----------------|
| <u>GENERAL</u> | <u>\$ 0.68</u> |
| <u>HEALTH</u> | <u>0.05</u> |
| <u>SOLID WASTE</u> | <u>0.05</u> |
| <u>GENERAL PURPOSE SCHOOL</u> | <u>1.67</u> |
| <u>SCHOOL CAPITAL PROJECTS</u> | <u>0.07</u> |
| <u>SPECIAL PURPOSE BUILDING</u> | <u>0.06</u> |
| <u>TOTAL</u> | <u>\$ 2.58</u> |

FURTHER BE IT RESOLVED, That the amounts set out in the attachment are hereby appropriated for the purpose of meeting the expenses of the various funds, departments, institutions, offices and agencies of Sullivan County, Tennessee for the capital outlay and for meeting the payment of principal and interest on the County's debt maturing during the year beginning July 1, 1997 and ending June 30, 1998.

FURTHER BE IT RESOLVED, That all resolutions approved by the Sullivan County Board of Commissioners which are in conflict with this Resolution are hereby repealed, and

**A RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS
DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES OF
SULLIVAN COUNTY, TENNESSEE, FOR THE
YEAR BEGINNING JULY 1, 1997 AND ENDING JUNE 30, 1998.**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in regular session on the 15th day of September, 1997, that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of the various funds, department, institutions, office and agencies of Sullivan County, Tennessee, for the capital outlay, and for meeting the payment of principal and interest on the County's debt maturing during the year beginning July 1, 1997 and ending June 30, 1998, according to the following schedule.

GENERAL FUND (101)

| | |
|---------------------------------------|-----------|
| County Commission | 142,400 |
| Board of Equalization | 5,400 |
| Beer Board | 5,480 |
| County Executive | 118,465 |
| County Attorney | 112,159 |
| Election Commission | 246,946 |
| Register Of Deeds | 292,248 |
| Planning-Building Permits | 133,859 |
| Planning - Board of Zoning Appeals | 28,803 |
| Planning Commission | 15,050 |
| County Buildings | 595,432 |
| Other Facilities - Kpt & Bristol | 164,398 |
| Courthouse Renovation | 125,000 |
| Risk Management - Safety & Ins | 45,652 |
| Risk Management - Ins & Other Charges | 1,071,500 |
| Accounts & Budgets | 299,730 |
| Purchasing | 259,453 |
| Central Stores - Receiving | 107,446 |
| Central Services-Printing | 90,016 |
| Central Services-Mail | 30,265 |
| Property Assessor | 590,917 |
| Reappraisal | 239,716 |
| Trustee | 358,888 |
| County Clerk | 649,174 |
| Data Processing - Central Computer | 105,000 |
| Other Finance-Trustee's Commission | 400,000 |

| | |
|---|-----------|
| General Sessions II & III - Kingsport | 244,783 |
| Chancery Court - Blountville | 108,425 |
| Chancery Court - Bristol | 112,525 |
| Chancery Court - Kingsport | 121,335 |
| Juvenile Court - Bristol | 78,241 |
| Juvenile Court - Kingsport | 169,474 |
| Juvenile Legal Fees | 12,000 |
| Juvenile Court Grant | 10,000 |
| Juvenile Court-R.E.A.C.H. Grant | 85,900 * |
| Kingsport Probation / Truancy | 83,303 * |
| Juvenile Court-Referee Grant/Kpt | 13,000 * |
| District Attorney General | 129,400 |
| Public Defender | 76,330 |
| Other Admin.of Justice-Juries | 175,000 |
| Sheriff's Department | 3,945,942 |
| Sheriff's Juvenile Service | 71,143 |
| Alcohol & Drug Program - Sheriff | 33,158 |
| Sheriff's D.A.R.E. Program | 10,600 * |
| Sheriff's Block Grant (carried forward) | 37,561 |
| Jail | 2,693,696 |
| Jail Doctor | 25,000 |
| Jail Indigent Medical Care | 150,000 |
| Workhouse | 69,085 |
| Juvenile Service Program-Sullivan House | 292,552 |
| Juvenile Service Program-Det.Ctr-Pricor | 165,000 |
| Volunteer Fire Department | 1,140,000 |
| Volunteer Firemen Association | 1,500 |
| Emergency Management Agency | 160,194 |
| Rescue Squads/ Lifesaving | 360,000 |
| County Coroner | 22,000 |
| Medical Examiner | 20,600 |
| Medical Examiner-E.T.S.U. Forensic Ctr. | 77,763 |
| Emergency Medical Service (EMS) | 1,566,064 |
| EM I.E.P.C. | 3,210 * |
| EMS - Collapse 95 | 805 * |
| Alcohol & Drug Program | 16,065 |
| Speech & Hearing Center | 30,000 |
| Rehabilitation Centers | 22,312 |
| Regional Mental Health | 30,982 |
| Other Local Welfare - Pauper Burial | 4,000 |
| Other Local Welfare- Dawn of Hope | 5,500 |
| Aid to Dependent Children - Child Advocacy Center | 15,000 |
| Youth Center | 153,025 |

| | |
|---|-----------|
| Observation Knob Park Waterline (carried forward) | 80,000 |
| Parks for Kingsport & Bristol | 55,000 |
| Agriculture Extension Service | 96,062 |
| Forest Service | 1,000 |
| Soil Conservation | 19,266 |
| Industrial Commission | 125,000 |
| Industrial Commission - From Sale of Land | 100,800 |
| Industrial Park Building | 500,000 |
| Tri-City Foreign Trade Zone | 38,285 |
| Veterans Service | 9,600 |
| Employee Benefits | 3,886,605 |
| Miscellaneous - Unallocated | 100,000 |
| Miscellaneous - Dues & Memberships | 18,432 |
| Highway -Road Signs-E-911 | 20,000 |
| Highway - Right of Way | 150,000 |
| Education - TN. Vocational Training For | 10,239 |

CAPITAL OUTLAY - MAJOR PROGRAMS:

| | |
|--|-----------|
| General Admin Projects - Building Purchase | 500,000 |
| Admin of Justice Projects - Bristol Construction (carried forward) | 194,386 |
| Public Safety Projects - Jail Construction (carried forward) | 800,000 |
| Bloomington (carried forward) | 1,898,603 |
| E. Stone Dr. | 900,000 |
| Steadman Farm | 1,000,000 |
| Kingsport Sewer Study | 100,000 |
| Old Misc. Sewer Projects | 10,000 |
| Bristol - Bluff City Connector | 300,000 |

| | |
|--------------------|------------|
| Total General Fund | 31,182,153 |
|--------------------|------------|

* Appropriations for these programs are to be based upon revenues generated for these expenditures.

SOLID WASTE (116)

| | |
|-----------------------------------|-----------|
| County Engineer / Sanitation Mgt. | 113,567 |
| Solid Waste - ED | 26,300 |
| Transfer Stations | 2,589,643 |
| Other Charges | 40,000 |
| Employee Benefits | 136,800 |
| Total Solid Waste Fund | 2,906,310 |

| | |
|-------------------------------|------------|
| Children's Special Services | 85,575 ** |
| Violence & Assault Prevention | 20,000 ** |
| Aids Grant | 66,900 ** |
| Immunization Grant | 83,100 ** |
| Adolescent Pregnancy Program | 47,500 ** |
| Health Promotion Grant | 27,500 ** |
| WIC Grant | 407,700 ** |
| Child Health & Development | 35,185 ** |
| Tenn Care Eligibility | 55,100 ** |
| Other Charges | 44,178 |
| Employee Benefits | 268,782 |

| | |
|-------------------|------------------|
| Total Health Fund | <u>2,800,408</u> |
|-------------------|------------------|

** Appropriations for the above grants are to be discontinued upon the state and federal government's discontinuation of funding.

SPECIAL PURPOSE FUND(121)

| | |
|--------------------------|--------|
| Other Finance - Tr. Comm | 28,000 |
|--------------------------|--------|

| | |
|----------------------------|---------------|
| Total Special Purpose Fund | <u>28,000</u> |
|----------------------------|---------------|

DRUG CONTROL FUND (122)

| | |
|----------------------------|--------|
| Sheriff's Drug Enforcement | 24,000 |
|----------------------------|--------|

| | |
|-------------------------|---------------|
| Total Drug Control Fund | <u>24,000</u> |
|-------------------------|---------------|

HIGHWAY FUND (131)

| | |
|---|-----------|
| Highway Administration | 160,388 |
| Highway & Bridge Maintenance | 4,548,548 |
| Highway & Bridge Construction -Bridge Const | 89,000 |
| Operation & Maintenance of Equipment | 460,000 |
| Asphalt Plants | 1,233,000 |
| Traffic Control | 30,000 |
| Trustee's Commission | 80,000 |
| Insurance and Bonds | 100,000 |
| Employee Benefits | 1,269,530 |
| Capital Outlay | 500,000 |

| | |
|-------------------------|----------------|
| Other Finance | 5,000 |
| Debit Service | 488,555 |
| Total General Debt Fund | <u>493,555</u> |

GENERAL CAPITAL PROJECT FUND(171)

| | |
|------------------------------------|----------------|
| Operating Transfer to General Fund | 125,000 |
| Total General Capital Project Fund | <u>125,000</u> |

GENERAL PURPOSE SCHOOL FUND(141)

| | |
|------------------------------|------------|
| Regular Instruction Program | 35,751,470 |
| Special Education Program | 4,398,931 |
| Vocational Education Program | 2,578,058 |
| Adult Education Program | 102,897 |
| Health Services | 10,000 |

SUMMARY OF SEWER PROJECTS FOR 1997-98FY APPROPRIATIONS

Close old Sewer Fund balances to General Fund-

| | |
|--|------------------|
| Bloomingtondale | 1,898,603 |
| E. Stone Drive | 900,000 |
| Steadman Farm | 1,000,000 |
| Kingsport Sewer Study | 100,000 |
| Old Misc. Sewer Balances Prior to 97fy | 10,000 |
| Bristol - Bluff City Connector | 300,000 |
| Total Sewer Projects 98fy | <u>4,208,603</u> |

RESOLUTION No. 11
Page Two

Gay B. Teague
County Clerk

Date: 9-15-97

Mark Hodges
County Executive

Date: 9-15-97

INTRODUCED BY COMMISSIONER Williams ESTIMATED COST: _____
SECONDED BY COMMISSIONER Harr FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | 15 | 6 | 1 | 2 | |
| Voice Vote | | | | | |

COMMENTS: APPROVED 9/15/97 ROLL CALL VOTE

RESOLUTION NUMBER 12

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING Appropriations to Charitable and Civic Organizations

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION 5-9-109 AUTHORIZES COUNTIES TO Appropriate Funds for the Finacial Aid of any Nonprofit Charitable Organization or any Nonprofit Civic Organization

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT WHEREAS, The Sullivan County Board of Commissioners has authority to appropriate funds to Nonprofit Charitable and Civic Organizations in accordance TCA 5-9-109.

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners approves the nonprofit appropriations listed on the attachment to this Resolution.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 15th day of Sept, 19 97

Attest: B. Feather County Clerk Date: 9-15-97
Gil Hodges County Executive Date: 9-15-97

INTRODUCED BY COMMISSIONER Williams ESTIMATED COST: _____
SECONDED BY COMMISSIONER Harr FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

| Commission Action | Ave | Nav | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| | | | | | |

ATTACHMENT
RESOLUTION No. 12

LEGAL NOTICE

The Sullivan County Commission intends to meet on September 15, 1997 to approve the 1997-98 budget. The proposed budget includes the following nonprofit appropriations.

| Organization | Appropriation | Purpose |
|--|---------------|--------------------|
| 421 Fire and Rescue | 40,000 | Fire Prevention |
| Avoca Volunteer Fire | 70,000 | Fire Prevention |
| Bloomington Volunteer Fire | 100,000 | Fire Prevention |
| Bluff City Fire Department | 70,000 | Fire Prevention |
| City of Bristol Fire Department | 105,000 | Fire Prevention |
| City of Kingsport Fire | 150,000 | Fire Prevention |
| Hickory Tree Volunteer Fire | 70,000 | Fire Prevention |
| Piney Flats Volunteer Fire | 70,000 | Fire Prevention |
| Sullivan County Volunteer Fire | 85,000 | Fire Prevention |
| Sullivan East Volunteer Fire | 70,000 | Fire Prevention |
| Sullivan West Volunteer Fire | 85,000 | Fire Prevention |
| Warriors Path Volunteer Fire | 100,000 | Fire Prevention |
| Volunteer Fireman's Assoc. | 1,500 | Fire Prevention |
| Capital Outlay-Fire Truck | 125,000 | Fire Prevention |
| Blountville Emergency Response | 40,000 | Health and Welfare |
| Bluff City Rescue Squad | 40,000 | Health and Welfare |
| Bristol Life Saving Crew | 100,000 | Health and Welfare |
| Hickory Tree Rescue Squad | 80,000 | Health and Welfare |
| Kingsport Life Saving Crew | 100,000 | Health and Welfare |
| Bristol Alcohol and Drug | 5,335 | Education |
| Holston Alcohol and Drug | 5,335 | Education |
| Holston Mental Health (Alcohol & Drug) | 5,335 | Education |
| Bristol Regional Mental Health | 15,491 | Education |
| Holston Mental Health | 15,491 | Education |
| Bristol Speech and Hearing Ctr. | 10,000 | Education |
| Mtn. Region Speech and Hearing | 20,000 | Education |
| Bristol Regional Rehabilitation | 12,750 | Education |
| Kingsport Center of Opportunity | 9,562 | Education |
| Bluff City Park | 10,000 | Education |
| Bristol's Leisure Services | 15,000 | Education |
| Kingsport Parks and Recreation | 30,000 | Education |
| Bristol Veterans Services | 3,600 | Assistance |
| Kingsport Veterans Services | 6,000 | Assistance |
| Dawn of Hope | 5,500 | Education |
| Tenn Voc. Training for Handicapped | 10,239 | Education |
| Child Advocacy Center | 15,000 | Education |

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING Requesting a Traffic Control Study on SR-358 in the Vicinity of Sullivan East High School

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 19 97

THAT BE IT RESOLVED. That the State of Tennessee, Department of Transportation be requested to conduct a traffic control study on SR-358 in the vicinity of Sullivan ~~Central~~ EAST High School to determine the feasibility of traffic signal installation at that location.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 15th day of September 19 97

Attested: Gay B. Feacher Date: 9-15-97 Gil Hodges Date: 9-15-97
County Clerk County Executive

INTRODUCED BY COMMISSIONER Milhorn ESTIMATED COST: _____
SECONDED BY COMMISSIONER Belcher/Hicks/Hyatt/Mason FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

RESOLUTION NUMBER 14

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING NO PARKING Sign(s) at House No. 250 Emmett Road - 1st District

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT BE IT RESOLVED, That NO PARKING signs be placed at the location of 250 Emmett Road as requested by signatures on the attached petition.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 15th day of September 19 97

Gay B. Feathers
Attested: _____
County Clerk

Date: 9-15-97

Gil Hodges
County Executive Date: 9-15-97

INTRODUCED BY COMMISSIONER Kjser ESTIMATED COST: _____
SECONDED BY COMMISSIONER McConnell FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

RESOLUTION NUMBER 15

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING Sullivan County to Continue the 3.6% Indexing Feature Granted by the Tennessee Consolidated Retirement System [(TCRS)]

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT BE IT RESOLVED, That the Sullivan County Board of Commissioners approves the attached Resolution from the Tennessee Consolidated Retirement System to authorize continuance to June 30, 1998 of the 3.6% indexing feature for noncontributory employers participating in the retirement system.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 5th day of September 19 97

Gay B. Feathers
Attested: _____
County Clerk

Date: 9-15-97

Gil Hodges
County Executive Date: 9-15-97

INTRODUCED BY COMMISSIONER Harr ESTIMATED COST: _____
SECONDED BY COMMISSIONER Williams FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| | | | | | |

A RESOLUTION to permit continuation of 3.6% indexing until June 30, 1998 in accordance with Tennessee Code Annotated, Section 8-34-101(4)(B)(i), as amended by Public Chapter 63, Acts of 1997.

WHEREAS, Tennessee Code Annotated, Section 8-34-101(4)(B)(i) provides that the salaries earned by a member of the Tennessee Consolidated Retirement System while covered by the noncontributory provisions of said system, shall be indexed by 3.6% until June 30, 1991 for the sole purpose of computing such member's retirement benefits; and

WHEREAS, said section was amended by Public Chapter 63, Acts of 1997 to permit the governing body of an employer participating in the Tennessee Consolidated Retirement System pursuant to Title 8, Chapter 35 of Tennessee Code Annotated to authorize continuation of such 3.6% indexing until June 30, 1998.

NOW, THEREFORE, BE IT RESOLVED, that the _____ of
(Name of Governing Body)

_____, hereby authorizes the continuation of such 3.6% indexing until
(Name of Employer)
June 30, 1998 in accordance with Tennessee Code Annotated, Section 8-34-101(4)(B)(i), as amended by Public Chapter 63, Acts of 1997, and hereby agrees and directs that all liabilities, if any, resulting from such continuation shall be the liability of the employer and not the State of Tennessee.

STATE OF TENNESSEE

COUNTY OF _____

I, _____, clerk of the _____ of
(Name of Governing Body)

_____, Tennessee, do hereby certify that this is a true and exact copy of the foregoing
(Name of Employer)

resolution that was approved and adopted at a meeting held on the _____ day of _____, 19____, the original of which is on file in this office. I further certify that _____ members voted in favor of the resolution and that _____ members were present and voting.

RESOLUTION NUMBER 17

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING The Sullivan County Sheriff to Give Retiring Officers Their Service Weapon Under Certain Conditions

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT BE IT RESOLVED, That the Sheriff of Sullivan County be permitted to give a retiring deputy sheriff his or her service weapon carried in the loyal performance of their duties to the citizens of Sullivan County under the conditions set down below:

1) An individual has been employed as a deputy sheriff at the Sullivan County Sheriff's Office for at least twenty-five (25) years and be fifty-five (55) years of age, or at thirty (30) years of service at any age.

2) The individual is retiring under honorable circumstances.

FURTHER BE IT RESOLVED, That any replacement cost will be absorbed by the Sheriff's Office.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 15th day of September, 19__ 97

Attested: Ray B. Feathers Date: 9-15-97 Gil Hodges Date: 9-15-97
County Clerk County Executive

INTRODUCED BY COMMISSIONER Hyatt ESTIMATED COST: _____
SECONDED BY COMMISSIONER Belcher FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|--------|
| Administrative | | | | 9/9/97 |
| Budget | | | | |
| Executive | | | | |

RESOLUTION NUMBER 18

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 1997.

RESOLUTION AUTHORIZING Utilizing UP TO \$7,240.00 to Purchase R.O.W. - North Holston River Drive Project and Old Elizabethton Highway Bridge Project - General Fund FY 1997-98

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT BE IT RESOLVED. That UP TO \$7,240.00 be utilized from the current FY 1997-98 Budget Right-of-Way Account/58901.700 for the purchase of right-of-way for the following projects:

- North Holston Drive - Rogers Property
- Old Elizabethton Highway Bridge - Greene Property
- _____
- _____
- _____
- _____
- _____
- _____

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Only passed and approved this 15th day of September, 1997

Attested: Gay B. Feathers Date: 9/15/97 Gil Hodges Date: 9-15-97
County Clerk County Executive

INTRODUCED BY COMMISSIONER Ferguson ESTIMATED COST: _____
SECONDED BY COMMISSIONER Hyatt FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

RESOLUTION NUMBER 19

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97.

RESOLUTION AUTHORIZING Appointing the Membership of the E-911 Board

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT WHEREAS, With the appointment of the current membership of the E-911 Board of Directors having been called into question, The Sullivan County Board of Commissioners on August 18, 1997 approved Resolution No. 26 authorizing the County Executive to accept resumes from persons wishing to be considered for appointment to the E-911 Board,

NOW, THEREFORE BE IT RESOLVED, That the County Executive appoints the persons listed below to the E-911 Board of Directors to serve specific terms beginning on September 15, 1997 and expiring as set forth below, said appointments hereby confirmed by the Sullivan County Board of Commissioners:

| APPOINTEE | TERM EXPIRATION DATE |
|-----------------------|----------------------|
| Herman C. Carrier | 9/15/98 |
| Debra M. Elsea | 9/15/98 |
| Jerry A. Fleenor | 9/15/98 |
| Don N. Adams | 9/15/2000 |
| June Carter | 9/15/2000 |
| Jessie Lipoma | 9/15/2000 |
| Keith Carr | 9/15/2001 |
| Jim Embree | 9/15/2001 |
| Lauree ("Ree") Stomer | 9/15/2001 |

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 15th day of September, 1997

Attested: Day B. Peacher Date 9/15/97 9/15/97

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | 17 | 1 | 3 | 3 | |
| Voice Vote | | | | | |

COMMENTS: WALVER OF RULES APPROVED 9/15/97 ROLL CALL

RESOLUTION NO. 21

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 15th DAY OF AUGUST, 1997.

RESOLUTION AUTHORIZING Designation of County Attorney to Review Personnel Policies Pursuant to Public Chapter 361

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 15th day of August, 1997;

THAT, WHEREAS, county-wide personnel policies adopted by the Sullivan County constitutional officers was approved by the Sullivan County Board of Commissioners on April 15, 1996; and

WHEREAS, the process to develop the county-wide personnel policies currently in place was a lengthy process which covered a period of time in excess of six months; and

WHEREAS, outside counsel was employed to assist in developing the county-wide personnel policies currently in place; and

WHEREAS, Public Chapter 361 of the Public Acts of 1997, a copy of which is attached hereto, imposes certain obligations on counties to adopt policies covering certain personnel issues and imposes obligations on constitutional officers to either adopt separate policies on certain personnel issues or fall under those adopted by the county for all other offices; and

WHEREAS, pursuant to Public Chapter 361, the County Executive is required to designate an attorney to act in accordance with the Public Chapter subject to confirmation by the county legislative body;

NOW, THEREFORE, BE IT RESOLVED that the County Executive has designated the Sullivan County Attorney to act in accordance with Public Chapter 361 of the Public Acts of 1997 and the Board of Commissioners hereby confirm such appointment.

BE IT FURTHER RESOLVED that the County Attorney shall be allowed to confer, when necessary, with outside counsel previously employed to develop the personnel policies which are currently in place and that any expenses associated therewith shall be paid from Account No. 51100 [County Commission].

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

This resolution shall become effective on the _____ day of _____, 19____,

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

| Commission Action | Aye | Nay | Pass | Absent | Total |
|-------------------|-----|-----|------|--------|-------|
| Roll Call | 19 | | 2 | 3 | |
| Voice Vote | | | | | |

COMMENTS: WAIVER OF RULES APPROVED 9/15/97 ROLL CALL

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PUBLIC CHAPTER NO. 361
HOUSE BILL NO. 1925

By Representative Curtiss

Substituted for: Senate Bill No. 1895

By Senators Rochelle, Kyle, Cohen, Gilbert, McNally, Crowe, Davis, Koala, Fowler

AN ACT to amend Tennessee Code Annotated, Title 8, relative to county government personnel policies.

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

SECTION 1. It is the legislative intent that all counties in this State have certain minimum written personnel policies in effect in order to assist in maintaining compliance with applicable state and federal laws and to facilitate accurate recordkeeping. This act is not intended to affect the present authority within counties to adopt policies in addition to those required by this act, nor is it intended to enlarge, diminish or otherwise affect the obligation to comply with current state and federal laws governing personnel matters. Nothing in this act shall be construed to impose any liability on any county government for failure to have written personnel policies in place, except as may be otherwise specifically provided by law.

SECTION 2. When used in this act, the following terms shall have the following meanings:

(a) "Base personnel policies" means the policies which are required to be adopted under this act and which are enumerated in Section 4 of this act.

(b) "County employees" means employees of the county as defined under the federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., as amended.

(c) "County judge" means any judge who employs one or more county employees.

(d) "County officials" means the county trustee, register of deeds, county clerk, county judges, county clerks of courts, sheriff, assessor of property, county board of education, and the chief administrative officer of the highway or public works department.

SECTION 3. (a) Each county official shall adopt base personnel policies which shall

ATTACHMENT TO RESOLUTION NO. 41

county official shall be governed by the base personnel policies adopted by the county legislative body pursuant to subsection (d) of this section.

(b) Any county official who wishes to discontinue policies which the official has previously adopted under subsection (a) shall submit written notice to the county legislative body for inclusion in the minutes and filing in the office of the county clerk, specifying the effective date of the change. From and after the effective date, the employees of such office shall be governed by the base personnel policies adopted by the county legislative body pursuant to subsection (d) of this section.

(c) Any county official whose employees are governed by the base personnel policies adopted by the county legislative body shall have the right to adopt separate base personnel policies applicable to the employees of his or her office by filing approved base personnel policies with the county legislative body in the same manner as set out in subsection (a) of this section, at the following times:

- (1) once annually, on or before November 30 each year; and
- (2) within thirty (30) days after any amendment to the policies becomes effective.

Such policies shall become effective on the first day of the month following their filing in the office of the county clerk as provided in subsection (a) of this section.

(d) The county executive and the county legislative body shall provide for the adoption of base personnel policies to govern all county employees except those governed by separate base personnel policies adopted as provided in this section. The county executive shall submit to the county legislative body for approval a list of all agencies, offices and departments which will be governed by the base personnel policies; such list shall include and shall be limited to all departments, agencies and boards whose funds are handled through the office of the county trustee. The attorney selected in accordance with Section 5 of this act shall review the list for accuracy and completeness, and shall report his or her findings to the county legislative body. Upon approval of the list, the county executive shall appoint, subject to the confirmation of the county legislative body, one or more persons to develop the base personnel policies. Such persons may be members of the county legislative body, the county executive, officials or employees of agencies, offices or departments to be governed by such policies, and/or other persons having appropriate knowledge and expertise. Such persons shall be appointed and confirmed on or before October 31, 1997. The policies shall be prepared and submitted to an attorney for review as provided in Section 5 of this act, and upon approval by the attorney they shall be presented to the county legislative body for approval on or before March 1, 1998. The county legislative body shall either approve or disapprove the policies as a whole. If the policies are not approved, they shall be returned to the originating person or group for revision and resubmission to the county legislative body. When approved, the policies shall be included in the minutes of the county legislative body and filed in the office of the county clerk, and the policies shall be effective on the first day of the month following approval by the county legislative body. The final policies shall be approved by the county legislative body and filed in the minutes in the office of the county clerk on or before May 31, 1998. Any governmental agency or entity whose funds are not handled through the

(2) The compensatory time policy in effect for the office or department or a statement that no compensatory time is allowed, a statement of whether the salary received by selected employees is intended to cover all hours worked up to and including forty (40) in a work week in offices or departments where the regular work week is less than forty (40), policies for maintaining compliance with the overtime provisions of the federal wage and hour laws, and provisions for recordkeeping.

(3) Policies on non-discrimination and sexual harassment, including a complaint procedure as required under the Federal Americans with Disabilities Act, and guidelines to enable compliance with the fair hiring requirements of the federal equal employment opportunity laws and regulations. For employees of county judges, procedures administered by the Tennessee Administrative Offices of the Courts for complaints under the Americans with Disabilities Act may be used, if available.

(4) For any employees who are required by law to be tested, policies and procedures for drug and/or alcohol testing.

SECTION 5. The county executive shall retain an attorney, subject to confirmation of the county legislative body, to review the base personnel policies for compliance with the provisions of this act and other applicable law. The county executive may, but is not required to, retain the county attorney in such capacity. The compensation of the attorney shall be established by the county legislative body, and shall be paid from the county general fund.

SECTION 6. Once adopted and approved as provided in this act, personnel policies may be amended, modified, enlarged or repealed at any time by the same process used for original adoption. Any and all personnel policies governing county employees shall be subject to change at any time, and shall not give rise to any contractual rights or obligations between the county and its employees.

SECTION 7. Each county official and each department head within the county is responsible, with respect to the employees of that office or department, for:

(1) ensuring that each employee under his or her direction has received a copy of the personnel policies in effect for that office, including a statement that nothing in the policies is intended to create a contract of employment or to affect the employment-at-will status of county employees, and a statement for each employee to sign acknowledging receipt of a copy of the policies for that employee's office or department and acknowledging that the employee understands that subsequent amendments will be on file at the office of the county clerk;

(2) furnishing to each employee a copy of Tennessee Code Annotated, Section 39-18-504, relative to falsifying, destroying, or tampering with governmental records;

(3) maintaining all required personnel records, including but not limited to the

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matters for the employees of their respective offices. Nothing in this act shall be construed as authorization for establishing systems of seniority, tenure, or classified service, nor for creating contracts of employment or establishing the terms thereof. Nothing in this act or any of the policies adopted pursuant to this act shall be construed to affect the employment-at-will status of any county employee or otherwise create any contractual obligation on the part of the county as employer.

SECTION 9. If a court finds a county liable as a result of acts or omissions by any official or employee in connection with the requirements of this act or any policies adopted pursuant to this act, then the county shall have a right of action for reimbursement against the official or employee whose conduct resulted in liability for the county not covered by insurance, where the conduct of the official or employee was intentional and knowing and constituted illegal behavior in the workplace. For purpose of this section, the words "intentional" and "knowing" have the same meanings as defined in Section 39-1-302. An official or employee's conduct shall not constitute knowing or intentional illegal conduct in the workplace if the conduct was based on the written advice or opinion of the county attorney or the official's or employee's legal counsel.

SECTION 10. In order to enforce the provisions of this act, the county executive is authorized to retain the county attorney, or an attorney hired pursuant to Tennessee Code Annotated, Section 5-5-106, to seek mandamus to compel compliance as provided in Tennessee Code Annotated, Section 5-1-107, and additionally may pursue any and all other remedies available at law or in equity.

SECTION 11. The provisions of this act are intended to supersede any conflicting provisions of any general laws or private acts, provided, however, that this act shall not apply to any county with a population over eight hundred thousand (800,000) or any county which has adopted a metropolitan form of government.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

SECTION 14. This act shall take effect on July 1, 1997, the public welfare requiring it.


PASSED: MAY 22, 1997

837


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 1997


DON SUNDBQUIST, GOVERNOR

RESOLUTION NUMBER 22

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF September 19 97

RESOLUTION AUTHORIZING Payment of a Shift Premium for School Department Employees

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of September 1997.

THAT WHEREAS, Many County School employees work second and third shifts to provide services, and

WHEREAS, There is no pay premium for these employees, and

WHEREAS, General industry has paid shift premiums for years which has become a standard for general industry, and

WHEREAS, The present proposed school budget does no include money for such additional pay premium,

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County School Budget be amended to include a \$0.25 per hour second and third shift adjust for those employees , or a total of \$34,000 as estimated (please see attached).

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this ___ day of _____, 19__.

Attested: _____ Date: _____ Date: _____
County Clerk County Executive

INTRODUCED BY COMMISSIONER Surgenor ESTIMATED COST: _____
SECONDED BY COMMISSIONER Blalock FUND: _____

| Committee Action | Approved | Disapproved | Deferred | Date |
|------------------|----------|-------------|----------|------|
| Administrative | | | | |
| Budget | | | | |
| Executive | | | | |

11/2/97

Sullivan County Department of Education



P.O. Box 300
BLOUNTVILLE, TENNESSEE 37617
PHONE 423/279-2300
FAX 423/279-2204

SUPERINTENDENT
DR. JOHN B. O'DELL

ASSISTANT SUPERINTENDENT
GLENN ARWOOD

BOARD OF EDUCATION
ALVIE BRIGHT, CHAIRMAN
JIM KISS, VICE-CHAIRMAN
JACK B. BALES
CHARLES BRIDWELL
DANA CARRIER
JERRY GREENE
LARRY D. HARRIS

*Attachment
Res # 22*

August 18, 1997

Commissioner Surgenor:

As per your request regarding the school department personnel working the second or third shift the following figures will apply.

2-10, 3-11, or 4 to 12 shift

Approximately eighty-five (85) employees working forty (40) weeks - nine (9) months per school year.

| | |
|-----------|----------------|
| 85 | employees |
| <u>40</u> | hours per week |
| 3400 | hours per week |
| <u>40</u> | weeks per year |
| 136,000 | hours per year |

| | |
|-----------------------|--------------|
| 136,000 | 136,000 |
| @ <u>.25</u> per hour | @ <u>.30</u> |
| \$ 34,000 | \$ 40,800 |

Sincerely,

0402

AND THEREUPON COUNTY COMMISSION ADJOURNED
TO MEET AGAIN IN REGULAR SESSION OCTOBER 20, 1997.

GIL HODGES, COUNTY EXECUTIVE