

COUNTY COMMISSION- REGULAR SESSION

SEPTEMBER 15, 2003

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, SEPTEMBER 15, 2003, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE . PRESENT AND PRESIDING WAS HONORABLE RICHARD S. VENABLE, COUNTY MAYOR, JEANIE F. GAMMON, COUNTY CLERK AND WAYNE ANDERSON, SHERIFF OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by County Mayor Richard S. Venable. Sheriff Wayne Anderson opened the commission and Rev. Dwight Shaffer gave the invocation. Pledge to the flag was led by the Sheriff Wayne Anderson.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

GARTH BLACKBURN	LINDA K. BRITTENHAM
JAMES "MOE" BROTHERTON	RAY CONKIN
JOHN CRAWFORD	O. W. FERGUSON
	LARRY HALL
RALPH P. HARR	JOE HERRON
DENNIS HOUSER	MARVIN L. HYATT
SAMUEL C. JONES	ELLIOTT KILGORE
JAMES "BUDDY" KING	JAMES L. KING, JR.
R. WAYNE MCCONNELL	JOHN MCKAMEY
RANDY MORRELL	HOWARD PATRICK
JACK SITGREAVES	MICHAEL SURGENOR
MARK A. VANCE	EDDIE WILLIAMS

23 PRESENT 1 ABSENT (Groseclose Absent)

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

Motion was made by Comm. Morrell and seconded by Comm. Hyatt to approve the minutes of the August 18, 2003 Regular Session of County Commission. Said motion was approved by voice vote.

PUBLIC COMMENTS: SEPTEMBER 15, 2003

THOSE SPEAKING DURING THE PUBLIC COMMENT TIME WERE AS FOLLOWS:

- 1. Mr. Richard Carroll, Principal of Sullivan North High School concerning funding needed by the school system.**
- 2. Mr. Lewis Loflin, Bristol, VA concerning the removal of the Ten Commandments.**

PROCLAMATION was presented to the following upon passage of Resolution honoring the same on August 18, 2003:

The Bluff City Big League Girls Softball Team

ELECTION OF CHAIRMAN
OF
COUNTY COMMISSION

COMM. EDDIE WILLIAMS NOMINATED COUNTY MAYOR RICHARD VENABLE TO SERVE AS CHAIRMAN OF THE COMMISSION. THE NOMINATION WAS SECONDED BY COMM. ELLIOTT KILGORE. BEING NO OTHER NOMINATIONS, NOMINATIONS CEASED.

COUNTY MAYOR RICHARD VENABLE WAS ELECTED TO SERVE AS CHAIRMAN OF THE COMMISSION BY ROLL CALL VOTE THIS 15TH DAY OF SEPTEMBER, 2003. 23 AYE, 1 ABSENT.

ELECTION OF
CHAIRMAN PRO-TEMPORE

COMM. RALPH HARR NOMINATED COMM. O. W. FERGUSON TO SERVE AS CHAIRMAN PRO-TEMPORE. THE NOMINATION WAS SECONDED BY COMM. MARK VANCE. COMM. SAM JONES NOMINATED COMM. JAMES L. KING, JR. COMM. KING WITHDREW HIS NAME. BEING NO OTHER NOMINATIONS, NOMINATIONS CEASED.

COMM. FERGUSON WAS ELECTED TO SERVE AS CHAIRMAN PRO-TEMPORE BY ROLL CALL VOTE OF THE COMMISSION THIS 15TH DAY OF SEPTEMBER, 2003. 22 AYE, 1 NAY, 1 ABSENT.

COMM. CHAIRMAN VENABLE PRESENTED COMMITTEE ASSIGNMENTS (SEE ATTACHED) FOR FY 2003-2004 TO THE COMMISSION. THE ASSIGNMENTS WERE APPROVED BY ROLL CALL VOTE THIS 15TH DAY OF SEPTEMBER, 2003. 20 AYE, 3 NAY, 1 ABSENT.

CHAIRMAN VENABLE ANNOUNCED THE APPOINTMENT OF MR. MIKE MCINTIRE TO THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION. APPOINTMENT WAS APPROVED BY ROLL CALL VOTE OF THE COMMISSION THIS 15TH DAY OF SEPTEMBER, 2003. 23 AYE, 1 ABSENT.

**BOARD OF SULLIVAN
COUNTY COMMISSIONERS**

**COMMITTEE
ASSIGNMENTS**

FY 2003-2004

Richard Venable, Chairman
O.W. Ferguson, Chairman Pro-Tempro

Administrative

Marvin Hyatt
Dennis Houser
Howard Patrick
Michael Surgenor
John Crawford
Garth Blackburn
Jack Sitgreaves
Joe Herron

Meets Every 1st Monday Monthly - 7:00 p.m.
*Members will also address all matters
pertaining to public utility issues

Budget

O.W. Ferguson
Ralph Harr
Jim King
Randy Morrell
Eddie Williams
James "Buddy" King
Sam Jones
Elliott Kilgore

Meets Every 1st Thursday following other Standing Cmtes
* Members will also serve as
Delinquent Tax Committee

Executive

Clyde Groseclose
Wayne McConnell
John McKamey
Mark Vance
James "Moe" Brotherton
Ray Conkin
Linda Brittenham
Larry Hall
Meets Every 1st Wednesday Monthly - 6:00 p.m.
*Members will also oversee the
Youth Home

Building Committee

Garth Blackburn
Raymond Conkin
O.W. Ferguson
Ralph Harr
James "Buddy" King
Wayne McConnell
Michael Surgenor
Mark Vance
Eddie Williams
Meets As Needed

Beverage Board

Garth Blackburn
Larry Hall
Elliott Kilgore
Randy Morrell
Howard Patrick
Michael Surgenor
Jack Sitgreaves
Meets Every 2nd Wednesday Monthly - 6:00 p.m.
* Members will also serve as
Adult-Oriented Establishment Board
with the exception of Surgenor & Blackburn

Insurance Committee

Linda Brittenham
Ray Conkin
Clyde Groseclose
Joe Herron
Sam Jones
Jim King
John McKamey
John R. LeSueur, Ex Officio
Meets Every 4th Tuesday Monthly - 6:00 p.m.

Education Committee

James "Moe" Brotherton
John Crawford
Dennis Houser
Joe Herron
Sam Jones
Wayne McConnell
Jack Sitgreaves
Dr. John O'Dell, Ex Officio
Brenda Webb, Ex Officio
Meets As Needed

Agriculture Committee

Clyde Groseclose
Dennis Houser
John McKamey
Randy Morrell
Meets As Needed

Sullivan Co. Historical Commission

Linda Brittenham
James "Moe" Brotherton
Larry Hall
Ralph Harr
Dennis Houser
Eddie Williams
Attend the Sullivan Co Historical Preservation Association
Meetings every 3rd Monday - 7:30 p.m. at the Snow House

Industrial Commission

Ralph Harr
Marvin Hyatt
Howard Patrick
Eddie Williams
Meets 3rd Thursday - 12:00 p.m. EOM (Begin Feb)

Observation Knob Park Committee

Randy Morrell
Jack Sitgreaves
Meets 3rd Thursday - 10:00 a.m. EOM (Begin Jan)

Animal Shelter Committee

Elliott Kilgore
Meets 1st Tuesday - 6:30 p.m. EOM (Begin Jan)

Planning Commission

James "Buddy" King
Meets Every 3rd Tuesday Monthly - 7:00 p.m.

Bays Mountain Park Committee

James "Moe" Brotherton

Liason to City Governments

Bluff City
Marvin Hyatt
John McKamey
Bristol
James "Buddy" King
Jack Sitgreaves
Kingsport
Jim King
O.W. Ferguson

Meetings may be confirmed
by calling (423) 323-6417
Office of the Mayor of Sullivan County

I.E.P.C.

John Crawford
Larry Hall
Joe Herron
Sam Jones
Mark Vance
Meets Every 3rd Wednesday Monthly - 7:30 a.m.

STATE OF TENNESSEE
COUNTY OF SULLIVAN

ELECTION OF NOTARY'S

AUGUST 18, 2003

Penny Diane Bays	Deborah E. O'Dell
Donna E. Bowen	Donna J. Ottinger
Dawn Y. Campbell	Mark A. Parsons
Charlotte Carter	Katrina G. Peters
Christa Cody	Thomas M. Riddle
Regina M. Deal	Patricia Robinette
Doris A. Ditmore	Christopher A. Sequin
Christy Dougherty	Sallie Nelson Smith
Sherry D. Dougherty	Julie Spears
Ayonna J. Evans	Lisa B. Summar
Marlene B. Foster	Beverly S. Talbert
Judy A. Gibson	Frank E. Waldo, Jr.
Heather R. Glover	Jana M. Walker
Melisaa A. Goins	Bobby J. Wheeler
Jennifer D. Good	J. Jerrice Williams
Mary Gregory	Harriet Gail Wynne
Jane M. Jones	
Randy M. Kennedy	
Kenneth R. Lawson	
Mary Jane Lawson	
J. Richard Macbeth	
Linda A. Malone	
Kathy J. McMurray	
Fonda Kay Mowdy	
Wanda J. Nichols	
Kim Nottingham	

UPON MOTION MADE BY COMM. HARR AND SECONDED BY
COMM. HYATT TO APPROVE THE NOTARY APPLICATIONS
HEREON, SAID MOTION WAS APPROVED BY ROLL CALL VOTE
OF THE COMMISSION. 22 AYE, 2 ABSENT.

STATE OF TENNESSEE
COUNTY OF SULLIVAN

APPROVAL OF NOTARY
PUBLIC SURETY BONDS

SEPTEMBER 15, 2003

Susan C. Arnold

Robin L. Barnett

David W. Blankenship

Patsy S. Carroll

Donna L. Davis

Jeree Ernst

Patricia Fansler

Jane T. Fletcher

Phyllis D. Fultz

Helen Katherine Boggs Hunsaker

Tina O. Ison

Doris M. Johnson

Barbara P. Loving

Edward E. McKee

Debra Y. Miller

Ada B. Newman

E. Rhea Newland

Betty C. Owens

Jenny F. Penix

Jackson C. Raulston

Wendy Simpson

Brenda G. Smith

Jessica Nicole Stanley

UPON MOTION MADE BY COMM. HARR AND SECONDED
BY COMM. HYATT TO APPROVE THE NOTARY BONDS
OF THE ABOVE NAMED INDIVIDUALS, SAID MOTION
WAS APPROVED BY ROLL CALL VOTE OF THE COMMISSION.
22 AYE, 2 ABSENT.

[illegible]

September 15 2003

[illegible]



SULLIVAN COUNTY

Offices of Land Use

3411 Hwy 126 Suite 30
Blountville, Tennessee 37617
Telephone (423) 323-6440
Fax (423) 279-2886

Planning and Zoning
Building Permits
Health and Safety
Construction Manager
Sewer Extension
Solid Waste
G.I.S.

Agenda

Sullivan County Board of County Commission
September 15, 2003

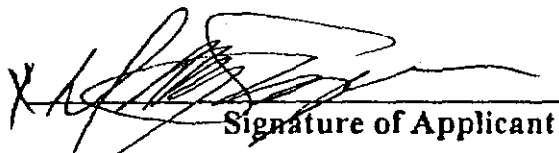
The Sullivan County Board of County Commissioners will hold a public hearing on Monday, September 15, 2003 at 9:00 A.M. in the Sullivan County Courthouse, Blountville, TN to consider the following requests:

- (1) File No. 07/03/01 Danny Surgenor
Reclassify R-1 property located at 470 Arcadia Drive to R-2 for the purpose of allowing the placement of a single-wide mobile home. Property ID. No. Tax map 32, Parcel 138.10 located in the 10th Civil District. **Kingsport Planning**
- (2) File No. 07/03/02 Gary Hooker
Reclassify A-1 property located at 481 Hooker Road to B-3 for the purpose of allowing an auto body shop. Property ID. No. Tax map 17, Parcel part of 67.00 located in the 5th Civil District. **Sullivan County Planning**
- (3) File No. 07/03/03 James Birdwell
Reclassify A-1 property located on the southeast side of Mitchell Road and being 717 feet from the corner of Eastern Star Road and Mitchell Road to R-3B (High Density Residential District) for the purpose of a future residential development. Property ID. No. Tax map 120. Parcels 65.00, and part of 41.00 located in the 14th Civil District. **Kingsport Planning**

PETITION TO SULLIVAN COUNTY FOR REZONING # 07/03/01 3

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 Danny J. Surgeor
Address 1507 Kentfield Dr.
Kingsport TN 37660
Phone 378-5408 Date of Request 6-30-03
Property Located in 10th Civil District


Signature of Applicant
Danny Surgeor

OFFICE USE ONLY

Meeting Date 8-21-03 Time 7:00 pm
Place Kingsport City Hall
2nd Floor
.....
Planning Commission Approved _____
Denied _____
County Commission Approved x
Denied _____
Other Roll Call Vote 21 AYE, 3 ABSENT
Final Action Date 09-15-03

PROPERTY IDENTIFICATION

Tax Map 32 Group _____ Parcel 138-10
Zoning Map 7 Zoning District R-1 Proposed District R-2
Property Location 470 Arcadia Dr.

Purpose of Rezoning To place a single-wide m/home

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 30th day of June, 2003.

My Commission Expires: 12-20-03


Notary Public

4

08-11 County Rezoning 470 Arcadia Dr (03-101-00008)

The Commission considered the county rezoning request of 1.73-acres from R-1 to R-2, Residential District. The property was located on the western side of 470 Arcadia Drive off East Stone Drive (Sullivan County tax map 32, parcel 138). The purpose is to locate a single-wide mobile trailer. Staff recommended the rezoning as requested because it was an extension of the eastern adjacent R-2 zoning district, and it would minimally impact the surrounding land use due to the buffering features of the site (i.e. woods, hills). Staff noted that the R-2 zone was already introduced into the neighborhood. Danny Surgenor, property owner, stated that a mobile trailer was located to the east across Arcadia Drive. He also said that the southern property owner was a family relative who did not object. On a motion by Releford, seconded by Colette George, the Commission voted unanimously, 9-0, to accept the Staff recommendation based upon the rationale provided by Staff.

Sincerely,

Robert Nemeth

REZONING REPORT
FILE: 03-101-00008

TO: KINGSFORT REGIONAL PLANNING COMMISSION

FROM: Robert Nemeth, Planner

DATE: For August 21, 2003

APPLICANT: Danny Surgenor

REQUESTED ACTION: County rezoning request for 1.73 acres from R-1 to R-2, Residential District.

LOCATION: Property is located adjacent to the western side of 470 Arcadia Drive off East Stone Drive (Sullivan County tax map 32, parcel 138). The property is located outside the Kingsport city limits within the Urban Growth Boundary in the 10th Civil District of Sullivan County.

EXISTING LAND USE: Single-family residence.



PROPOSED USE: To place a single-wide mobile home.

COMPARISONS BETWEEN COUNTY R-1 & R-2 ZONING DISTRICTS:

- R-1 permits single-family residences on 15,000 square-foot lots.
- R-2 permits single-family residences, duplexes, apartments, and single-wide mobile homes on 10,000 square-foot lots.

SURROUNDING COUNTY ZONING AND LAND USES:

North: R-1.

Single-family residence completely screened by hill and woods.

6

East: R-2, R-1.

Single-family residence screened from view by woods, and the curve of Arcadia Drive.

South: R-1.

Single-family residence completely screened by hill, and trees.

West: R-1.

Woods.

LAND USE PLAN (S):

- The 2010 Conceptual Land Use Plan designated the property for single-family residential land use (Kingsport Land Use Plan, 1988).

UTILITIES: City sewer is not available to the property. The property is located within the jurisdiction of Bloomingdale Water.

TRANSPORTATION:

Arcadia Drive has an approximately 18-20-foot 2-lane pavement width. Arcadia Drive is curvy, and hilly. The Major Street & Road Plan (2000) designates East Stone Drive between New Benson Well Road, and the Eastern City limits as a principle arterial street with a 180-foot right-of-way. The Tennessee state station 109 counted 16,747 average daily vehicle trips on East Stone Drive located near its intersection with Arcadia Drive. This vehicle count has decreased 2,277 daily trips since 1994, which had 14,470 daily vehicle trips.

PHYSICAL CHARACTERISTICS:

The triangle-shaped property measures approximately 450-feet adjacent to Arcadia Drive with an approximately 300-foot depth. The property is hilly surrounded by trees.

CITIZEN RESPONSE:

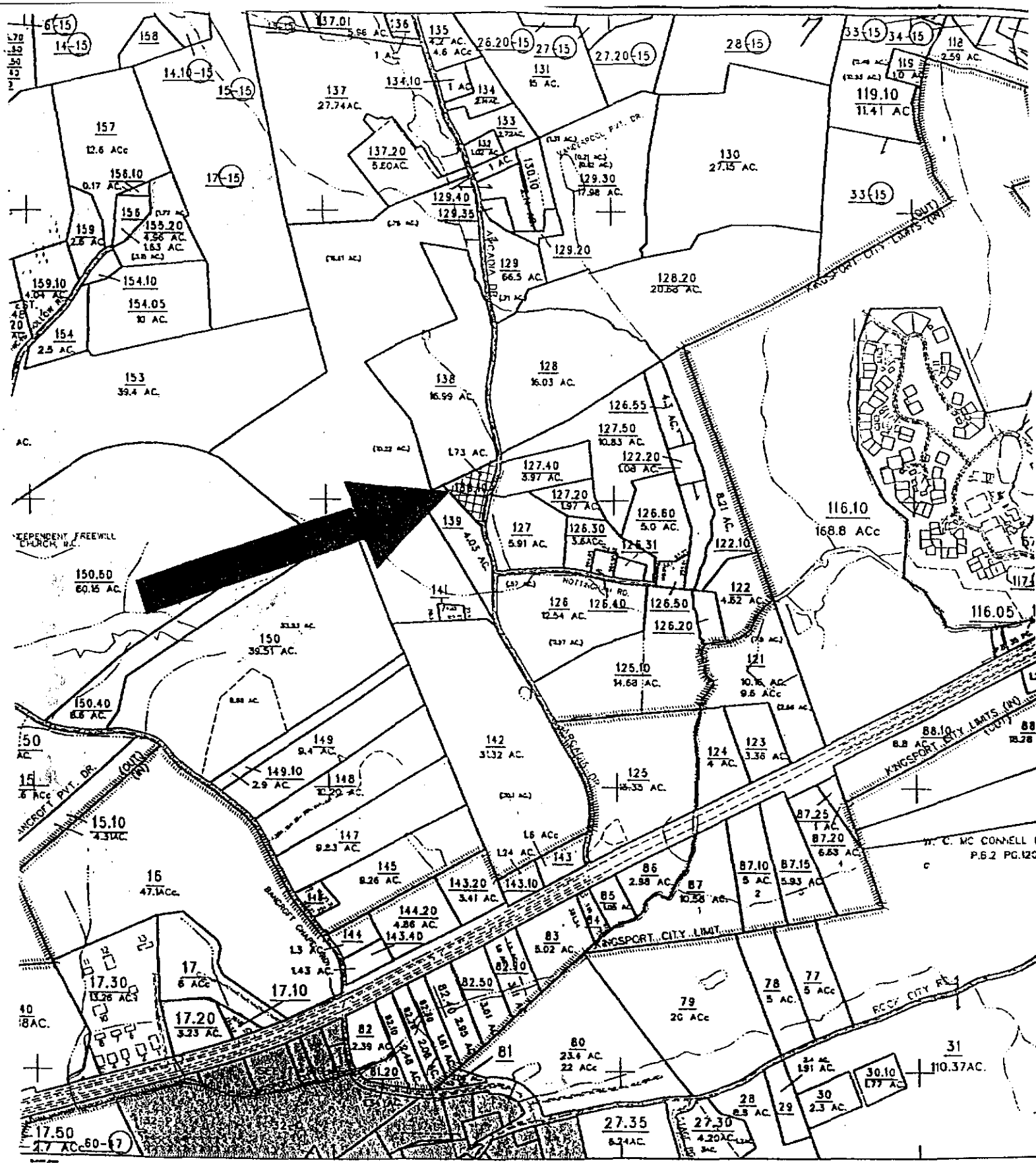
The southern property owner located at 512 Arcadia Drive adjacent to Nottingham Road did not object to the rezoning.

OPTIONS:

The Planning Commission's options are the following:

1. Approve the rezoning from R-1 to R-2 as requested.
2. Disapprove the rezoning, and state the reasons in writing.
3. Postpone action until additional information is presented.

STAFF RECOMMENDATION:



FEET
SCALE 1" = 400'

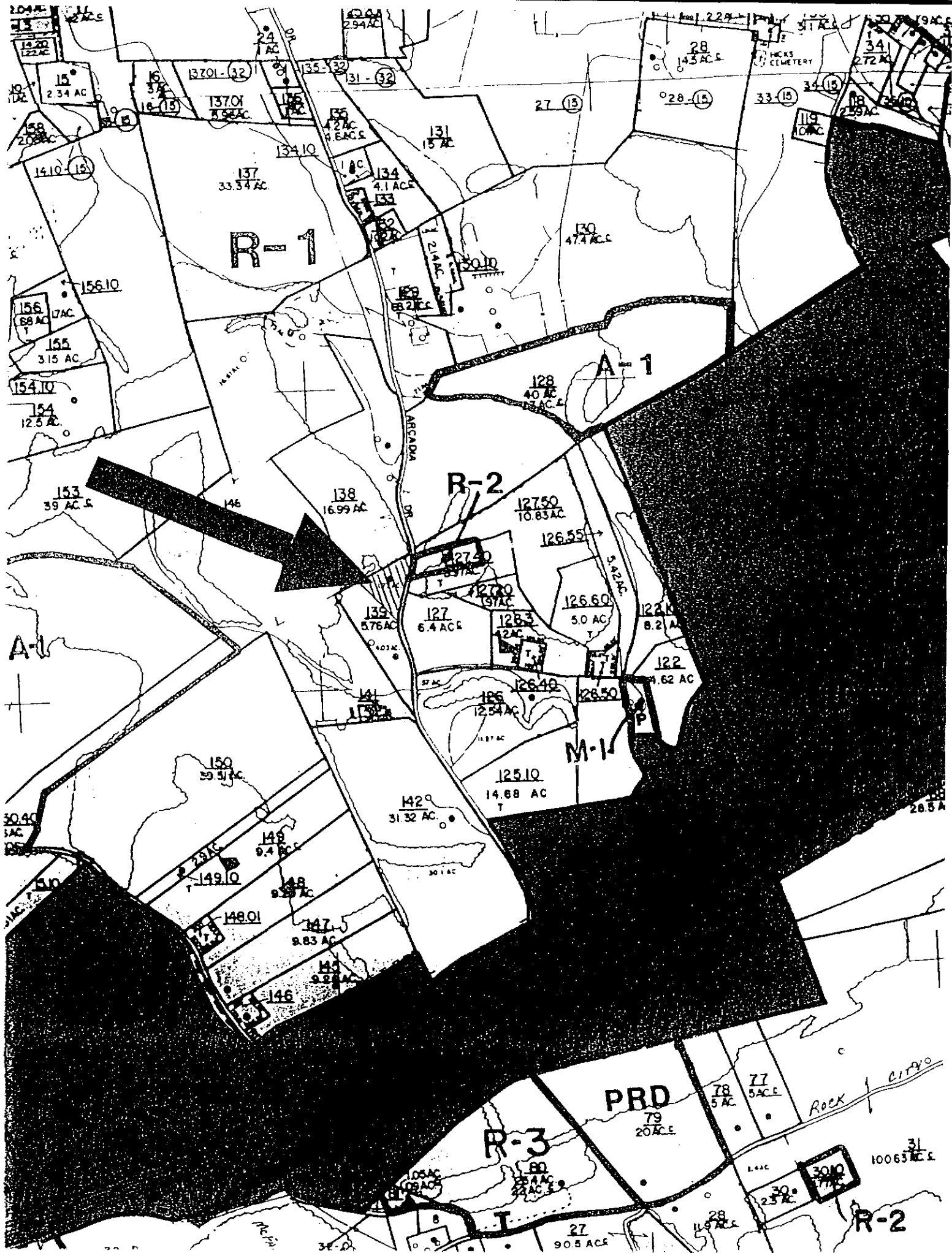
1. PARCEL NUMBER
2. ACRES
3. CALCULATED ACREAGE
4. DEED/PLAT NUMBER
5. SCALED DIMENSION
6. SURVEYED DIMENSION
7. SUBD. LOT NO.

8. PARCEL MON.
9. INTERIOR TRACT LINE
10. DISTRICT LINE
11. PARCEL OUTLINE
12. SECTION CORNERS
13. CO. LINE
14. CORP. LIMITS

15. PARCEL & CONTROL L&P AC
16. CONTENT
17. DITCH
18. SCHOOL
19. STATE LINE
20. ROAD ROW
21. RAILROAD ROW

PLAT
22. STATE
23. TRAIL
24. TRAIL

PARCEL BOUNDARY



PETITION TO SULLIVAN COUNTY FOR REZONING

#07/03/02

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

Property Owner GARY & EDITH HOOKER
 Address 481 Hooker RD.
Blountville, TN 37617
 Phone 323-5188 Date of Request 7-2-03
 Property Located in 5th Civil District

X GARY HOOKER
 Signature of Applicant

OFFICE USE ONLY

Meeting Date 8-19-03 Time 7:00 p.m.

Place 2nd Floor
Blountville-Courthouse

Planning Commission Approved _____
 Denied ☒

County Commission Approved X
 Denied _____

Other Roll Call Vote 22 AYE, 1 PASS,
 1 ABSENT

Final Action Date 09-15-03

PROPERTY IDENTIFICATION

Tax Map 17 Group _____ Parcel 67.00
PART OF

Zoning Map 8 Zoning District A-1 Proposed District B-3

Property Location 481 Hooker RD.

Purpose of Rezoning For An Auto Body Shop

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.

X GARY HOOKER

Sworn to and subscribed before me this 2nd day of JULY, 2003.

Jack Morrison
 Notary Public

My Commission Expires: 12-20-03

(D-1) File No. 07 /03 #2

Property Owner: Gary & Edith Hooker on behalf of Gary Hooker's son's business
 Rezoning Request A-1 to B-3
 Purpose: To allow for an automotive body and paint shop
 Parcel ID: Tax Map 017, Parcel 067.00
 Location: 481 Hooker Road, Blountville
 Civil District: 5th
 Surrounding Zoning: A-1 and R-3
 PC 1101 Growth Plan: Sullivan County Rural Area

Staff Field Notes:

- This new building was recently constructed. The property owner informed the building inspector that it was a barn. The lot was also recently platted out from the remaining farm. Staff would not have approved the minor subdivision plat had this been a garage; however barns are not required to obtain permits.
- This is a clear example of spot zoning to benefit one individual and is out of conformance with the policies adopted pursuant to the PC 1101 Growth Plan.
- The other B-3 zone up the road was done initially for the established business.
- Public sewer and other utilities and services are not in place in this rural area to sustain all types of land uses allowed under the B-3 zone.
- The existing farm road crosses over the new lot to access this building. While it may all be in the same family at this time, this is not good planning for the future.
- The building lot does not appear to be large enough to sustain a septic system, the duplicate reserve area and still have enough land to pave as would be required for the proposed land use. All paved areas and other impervious surfaces shall not be located on top of septic systems and field beds.
- Automotive repair and body shops should be located in more urban centers with infrastructure and complimentary land uses already in place.

Discussion at Planning Commission Meeting:

- Staff recommends against this rezoning request as it does not conform to the PC 1101 Growth Plan, utilities are not in place for a general business zoning classification, this is a rural area in character and by designation, and this is a clear spot zoning.
- Ms. Edith Hooker and her son, Gary Hooker and his son were present. Gary Hooker addressed the board and stated that they began construction of the building around February. After an injury, Mr. Gary Hooker decided to change his plans from agricultural equipment storage to allow his son a place to paint vehicles. They obtained a business license for "Mystic Bodyz" shortly thereafter.
- No building permit has been issued since staff was originally told this was for the storage of a farm tractor.

Neighborhood Opposition:

Staff received three calls from neighbors complaining about this land use request due to similar concerns as outlined by staff. They wished to remain anonymous.

Sullivan County Regional Planning Commission Action: - August 19, 2003

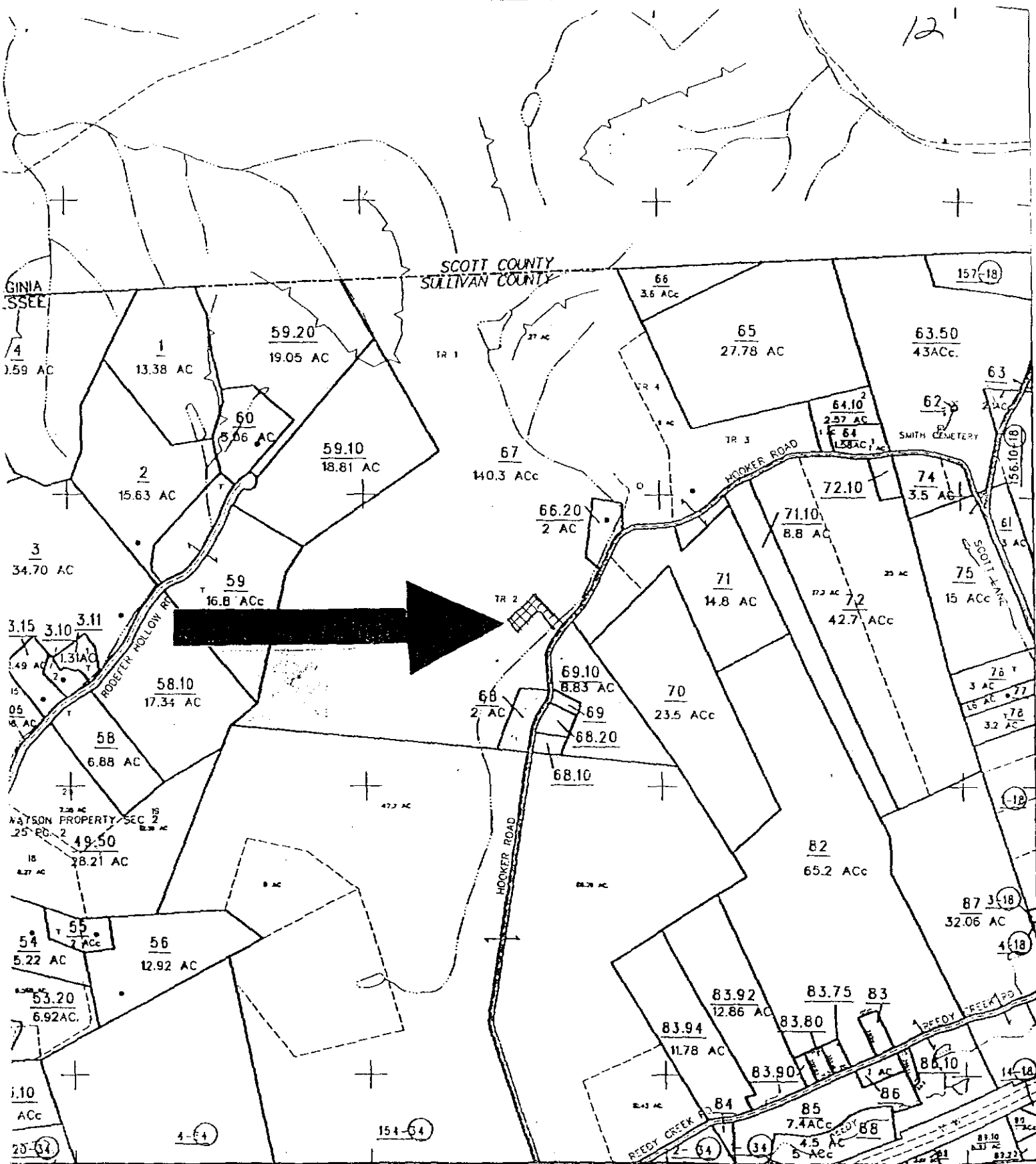
Approval:

Denial: Dutton, Peterson, Settle
unfavorable vote passed unanimously

Reason for denial: "spot zoning" – motion to grant an

Defer:

Reason for denial:



PLANIMETRIC MAP

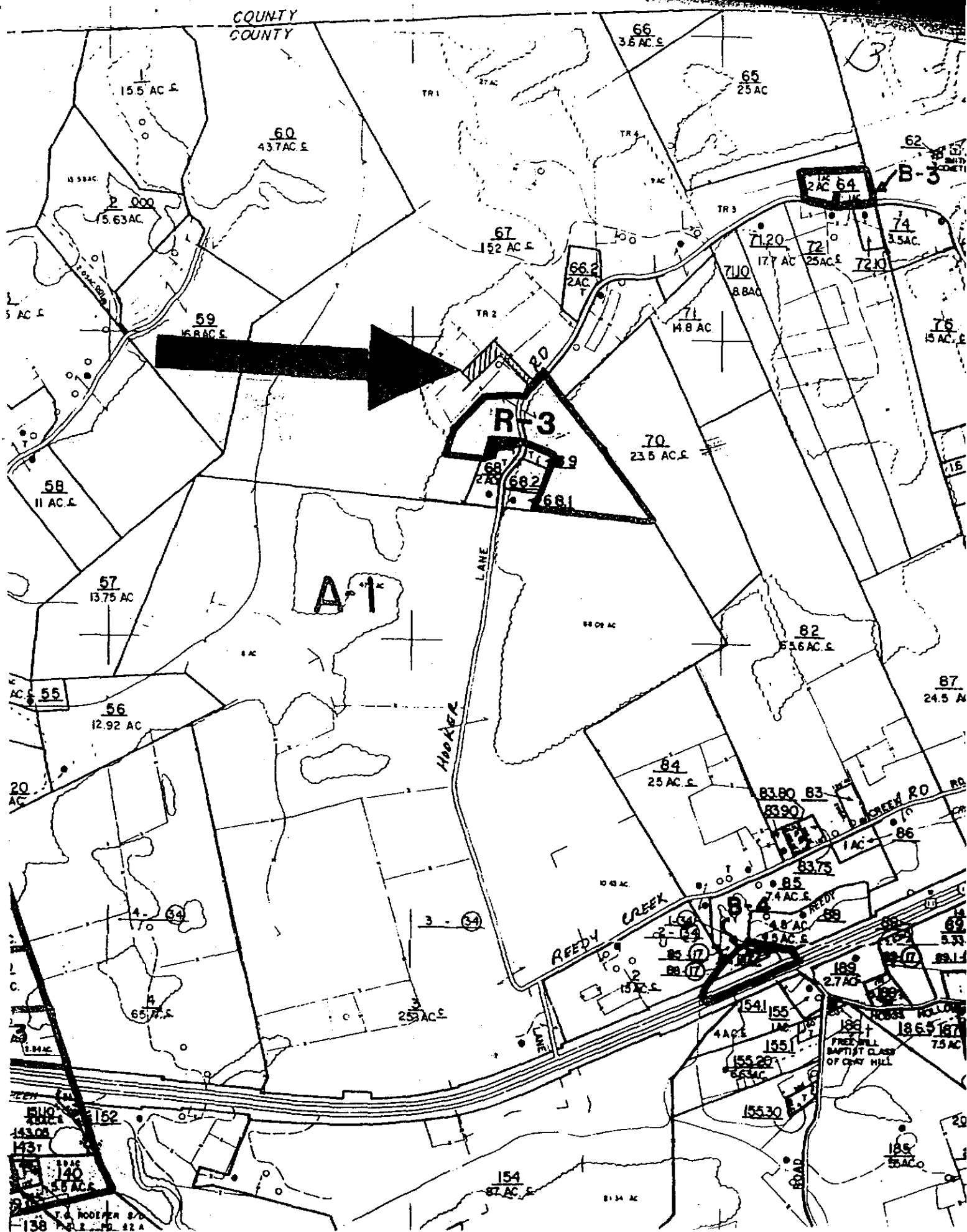
MAP NO. 017

STREAM
POHC
TRANSMISSION LINE POLE
TRANSMISSION LINE TOWER

EDGE OF PAVEMENT W/CL
CRVE
RECE LINE

018	017	018
033	034	035

SULLIVAN COUNTY, TN		MAP NO. 017
SCALE 1" = 400'	DISTRICT 8	
PHOTO DATE: February 2000	TN STATE PLANS 41001	
COMPILED: JUNE 2001	MAD (3/8/01) MARY D. BE	
LAST REVISION: JUNE 1999	CITY OF:	



PETITION TO SULLIVAN COUNTY FOR REZONING

#07/03/03 14

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.

OFFICE USE ONLY

Property Owner James R. Birdwell

Address 542 Windsor Forest Drive
Kingsport, Tennessee 37663

Phone 239-8851 Date of Request 7/10/03

Property Located in 14th Civil District

[Signature]
Signature of Applicant

Meeting Date 8-21-03 Time 2:00 p.m.

Place City Hall

Planning Commission Approved _____
Denied _____

County Commission Approved X
Denied _____

Other Roll Call Vote 23 AYE, 1 ABSENT

Final Action Date 09-15-03

PROPERTY IDENTIFICATION

Tax Map 120 Group _____ Parcel 65 + Part of Parcel 41

Zoning Map 24 Zoning District A-1 Proposed District R-3-B

Property Location Mitchell Rd

Purpose of Rezoning For future residential 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.

Sworn to and subscribed before me this 10th day of July, 2003.

[Signature]
Notary Public

My Commission Expires: 12-20-03

August 26, 2003

Ambre Torbett
Sullivan County Land Use Office
P.O. Box 509, Suite 30
Blountville, TN 37617

279-2886

Dear Mrs. Torbett:

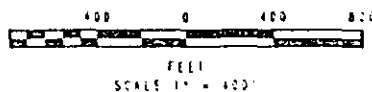
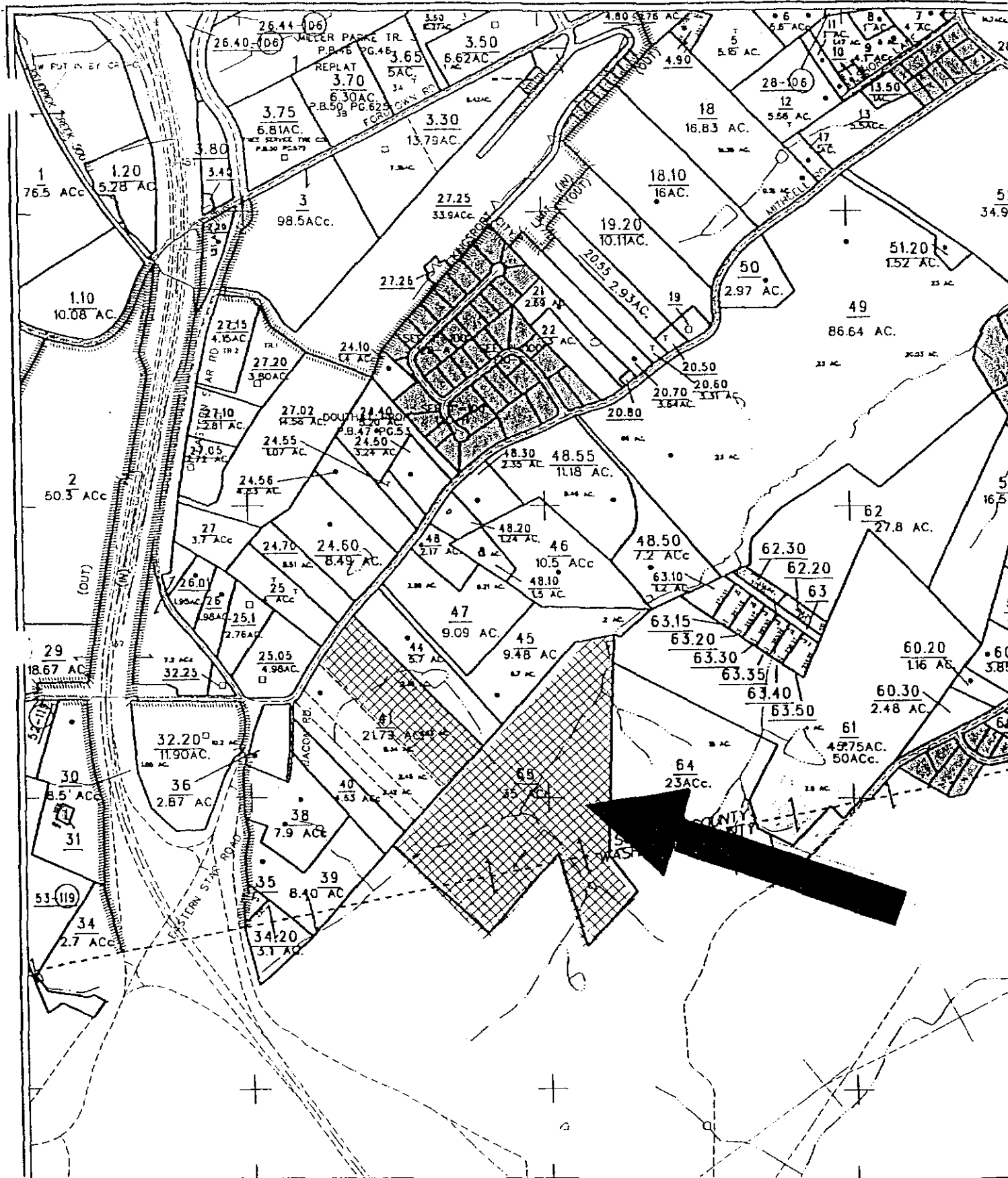
On August 21, 2003, the Kingsport Regional Planning Commission made the following recommendations concerning county cases:

08-06 County Rezoning Mitchell Road (03-101-00009)

The Commission considered a county rezoning request of 46.38-acres from A1, General Agricultural District to R3B, Residential District. The property was located adjacent to the southern side of Mitchell Drive near its intersection with Bacon Road near Eastern Star Road off Exit 45 on I-181 (Sullivan County tax map 120, parcels 65, part of 41). The proposed land use was residential development. A1 permitted, among other land uses, single-family developments on 15,000 square foot lots. Mobile homes on single lots were also permitted. R3B permitted single-family developments on 7,500 square foot lots. It excludes duplexes, apartments, and single-wide mobile homes. Staff recommended approving the rezoning as requested for the following reasons:

1. The R3B zoning district only permitted single-family developments, and prohibited duplexes, apartments, and single-wide mobile homes. It would be compatible with the single-family residences in the surrounding area adjacent to Mitchell Road including the eastern Charlton Green subdivision.
2. While the surrounding property had larger lots using septic systems, the property owner with the rezoning request was installing a public sewer line to serve smaller lots on his property. These lots met the requirements of the City's R-1B, Single-family Residential District.
3. The site was near the intersection of Eastern Star Road, and I-181, which could serve a potentially higher density residential development.
4. The rezoning would provide a boundary from the western encroachment of industrial, and commercial land uses along Mitchell Road.

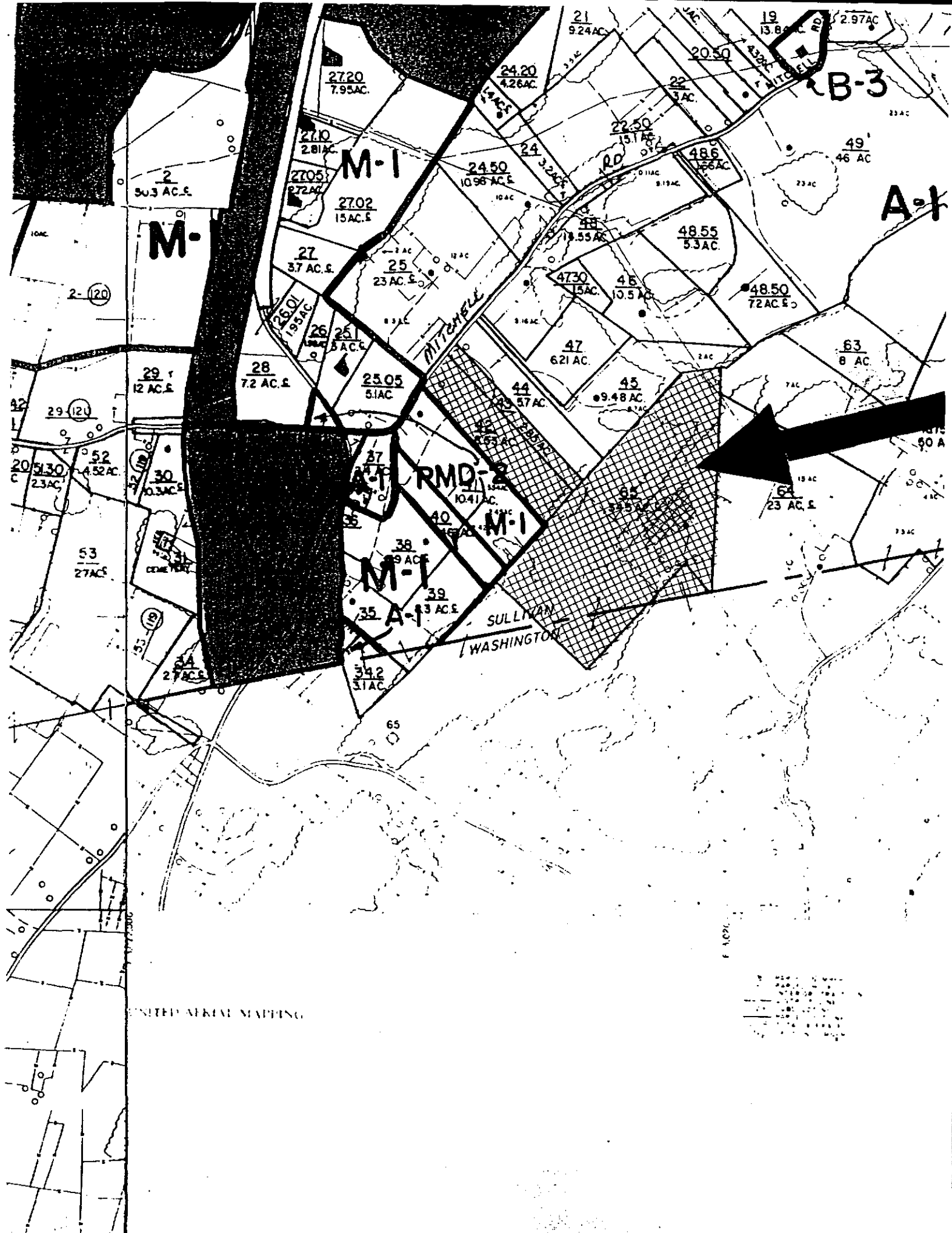
Staff noted the concerns by the Sullivan County Planner for higher density lots, and the sensitive environmental features of the site. James Birdwell, property owner, stated that he chose the R3B zoning designation at the request of the surrounding neighbors because it limited residential development to single-family (not apartments, duplexes, mobile homes). David Salyer, neighbor, expressed concerns summarized in a letter for the Planning Commission meeting. Commissioner Phillips noted that single-family detached homes on 7,500-square foot lots may be better than single-wide mobile homes on septic on 15,000-square foot lots. Birdwell restated a desire to construct quality homes that the neighborhood would support. On a motion by Releford, seconded by Phillips, the Commission voted unanimously, 9-0, to accept the Staff recommendation based upon the rationale provided by Staff.



PARCEL BOUND

- 1. PARCEL NUMBER
- 20. AC. DIST. ACRES
- 30. DISTRICT LINE
- 40. DEED/PLAT DIMENSION
- 50. SCALED DIMENSION
- 60. SCALED DIMENSION
- 70. SCALED DIMENSION
- 80. SCALED DIMENSION
- 90. SCALED DIMENSION
- 100. SCALED DIMENSION
- 110. SCALED DIMENSION
- 120. SCALED DIMENSION
- 130. SCALED DIMENSION
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NOTES: THIS MAP IS FOR INFORMATION PURPOSES ONLY. IT IS NOT A LEGAL DOCUMENT. THE STATE OF CALIFORNIA DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION ON THIS MAP. THE STATE OF CALIFORNIA DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION ON THIS MAP.



18

MINUTES OF THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION

*The regular meeting of the Sullivan County Regional Planning Commission was held on:
August 19, 2003 at 7:00PM, within the Historic Courthouse of Blountville, Tennessee.*

- A. Roll Call:** The chairman called the meeting to order at 7:05 PM, as a quorum was present. The Planning Director took roll – one vacant seat has not been filled.

Members Present:

Harry Boggs
Roy Settle
Jack Dutton
Gordon Peterson
Archie Pierce

Members absent:

Kingsport Representative – vacant seat
James “Buddy” King, *Commissioner*
Cathy Mullins (*Bris. Rep*)
Ken Bronner

Staff Representatives:

Ambre Torbett, Sullivan County Planning & Zoning Director
Tim Earles, Sullivan County Building Commissioner
Stanley Harrison Jr., State Local Planning Assistance Regional Director

B. Approval of July 15, 2003 Minutes

The minutes from the July 15, 2003 meeting were reviewed. A motion was made by Settle to accept the minutes as presented and seconded by Pierce. Motion to accept the minutes as mailed within members’ packets, passed unanimously.

- C. Unscheduled Public Comment** – No members from the audience came forth with any concerns at this time.

D. Rezoning Request:

- *The Planning Commission makes recommendations to the County Commission on rezoning requests. If a rezoning recommendation is positive tonight, it will come before the County Commission at their regular meeting on: September 15, 2003 at 9:00a.m. If a rezoning request is not recommended for approval tonight, the applicant still has the right to appear before the County Commission next month. You must advise the Planning Commission tonight if you wish to pursue your rezoning request to the County Commission. The County Commission can override the Planning Commission’s recommendation.*
- *In the interest of concluding business in a timely manner, comments on rezoning requests will be limited to three minutes per speaker. Groups opposed to a rezoning should pick two representatives to speak for them. Prior to voting on any rezoning the County Commission will hold a public hearing on September 15, 2003 at 9:00a.m.*

(D-1) File No. 07 /03 #2

Property Owner: Gary & Edith Hooker on behalf of Gary Hooker's son's business
Rezoning Request A-1 to B-3
Purpose: To allow for an automotive body and paint shop
Parcel ID: Tax Map 017, Parcel 067.00
Location: 481 Hooker Road, Blountville
Civil District: 5th
Surrounding Zoning: A-1 and R-3
PC 1101 Growth Plan: Sullivan County Rural Area

Staff Field Notes:

- This new building was recently constructed. The property owner informed the building inspector that it was a barn. The lot was also recently platted out from the remaining farm. Staff would not have approved the minor subdivision plat had this been a garage; however barns are not required to obtain permits.
- This is a clear example of spot zoning to benefit one individual and is out of conformance with the policies adopted pursuant to the PC 1101 Growth Plan.
- The other B-3 zone up the road was done initially for the established business.
- Public sewer and other utilities and services are not in place in this rural area to sustain all types of land uses allowed under the B-3 zone.
- The existing farm road crosses over the new lot to access this building. While it may all be in the same family at this time, this is not good planning for the future.
- The building lot does not appear to be large enough to sustain a septic system, the duplicate reserve area and still have enough land to pave as would be required for the proposed land use. All paved areas and other impervious surfaces shall not be located on top of septic systems and field beds.
- Automotive repair and body shops should be located in more urban centers with infrastructure and complimentary land uses already in place.

Discussion at Planning Commission Meeting:

- Staff recommends against this rezoning request as it does not conform to the PC 1101 Growth Plan, utilities are not in place for a general business zoning classification, this is a rural area in character and by designation, and this is a clear spot zoning.
- Ms. Edith Hooker and her son, Gary Hooker and his son were present. Gary Hooker addressed the board and stated that they began construction of the building around February. After an injury, Mr. Gary Hooker decided to change his plans from agricultural equipment storage to allow his son a place to paint vehicles. They obtained a business license for "Mystic Bodyz" shortly thereafter.
- No building permit has been issued since staff was originally told this was for the storage of a farm tractor.

Neighborhood Opposition:

Staff received three calls from neighbors complaining about this land use request due to similar concerns as outlined by staff. They wished to remain anonymous.

Sullivan County Regional Planning Commission Action: - August 19, 2003	
Approval:	
Denial: Dutton, Peterson, Settle unfavorable vote passed unanimously	Reason for denial: "spot zoning" - motion to grant an
Defer:	Reason for denial:

E. Subdivision Plats and Plans -

(E-1)

Property Owner: Mr. Kelly Wolf, developer/builder
Preliminary/Final Plat: Magnolia Grove Section 1 (15 lots on existing county road)
Applicant: same
Parcel ID: Tax 124, Parcel 133.00
Zoning: A-1
Location: Webb Road, Piney Flats
Surveyor: Joseph McCoy, III - RLS
PC 1101 Growth Plan: Sullivan County Rural Area

Staff Field Notes:

- This request is for Section 1 of the Magnolia Grove Subdivision. Section 2 will require new construction of streets and utilities.
- All signatures certify code compliance.
- The engineer has also submitted a letter certifying the stormwater system will handle these lots from Section 1.
- Lot 4 has an existing dwelling on the lot and is limited to 2 bedrooms.
- All other lots have been approved for a maximum of 3 bedrooms.
- Mr. Kelly Wolfe and Mr. Terry Orthe, developers and builders were present to represent the plan.

Discussion at meeting:

Staff recommends approval for Section 1 as the Notice of Coverage Letter from the local TDEC office has been approved and verified by Mr. Andrew Tolley. All stormwater, erosion and sediment control measures shall be place prior to any grading.

Sullivan County Regional Planning Commission Action – August 19, 2003	
Approval: Peterson, Pierce – motion to approve preliminary and final plat for Section 1 only – passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

(E-2)

Property Owner: W. Joe Wall, Jr. property
Preliminary: Joe Wall Subdivision - 5 lots
Parcel ID: Tax 051, Parcel 120.00
Zoning: R-1
Location: Old Stage Trail and Dairy Circle,
Surveyor: Tony Holbrook, RLS
PC 1101 Growth Plan: Sullivan County Planned Growth Area

Staff Field Notes:

- This request is for a 5-lot minor subdivision not requiring any new construction.
- There are two existing structures on lot 1 and other properties that surround the tract in question.
- Staff is concerned that lot 2 is not a conducive building lot due to the steepness and the pond.
- Staff is waiting for revised plats with all signatures.

Discussion at meeting:

- Mr. Wall and Mr. Holbrook were present to represent the plan.
- Mr. Stan Harrison recommended that a shared driveway easement be illustrated on the plat and required for lots 3,4, & 5 to reduce the potential increase in sheet water run-off upon development. The owner was agreeable.
- Mr. Wall also mentioned that his cattle pond on lot 2 would probably be filled in so that the water would directly run into the existing culvert under the road.
- Staff recommended granting only preliminary approval at this time as the signatures have not been obtained.

Sullivan County Regional Planning Commission Action – August 19, 2003	
Approval: Peterson, Settle – motion to approve the preliminary plan passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

(E-3)

Property Owner:	Shirley D. Perhne
Preliminary/Final Plat:	4-Lot Minor Subdivision Plat
Parcel ID:	Tax Map 108, Parcel 076.00
Zoning:	A-1
Location:	Allison and Haskel Milhorn Roads, Piney Flats
Surveyor:	Todd Grayson, RLS
PC 1101 Growth Plan:	Sullivan County Rural Area

Staff Field Notes:

- This request is for a 4-lot subdivision.
- This past year the Planning Commission approved the plat of lots on her property across the street.
- Lot 1 is her home and the other 3 lots for this subdivision shall be for sale.
- All signatures certify code compliance.

Discussion at the meeting:

- Ms. Perhne was present to represent the plat.

Sullivan County Regional Planning Commission Action – August 19, 2003	
Approval: Settle, Peterson – motion to approve the final plat passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

(E-4)

CONFIRMATION OF MINOR SUBDIVISION PLATS FOR THE MONTH OF July 2003

Property Owner	DATE	ZONE	ROAD	T.M. #/parcel	MAX LOT	MIN LOT	REPLAT	SEWER	SEPTIC	Private Well
Gary B. & Edith Hooker	7-2-03	A-1	Hooker Road	0160006700	Large tract	.71			Approved	
Kenneth Murray	7-8-03	B-3	Morelock Street	0310J00300	3.38	3.29			Approved	
Timber Lake Ridge, lot 8	7-14-03	R-1	Allison Cove Trail	122005800 part of	5.411		*		Existing	
Dannie Bartley	7-14-03	PBD-3	19-E/Mountain View Rd	1250001520/1510	4.80	1.48	*		Existing	
Rush Lots	7-14-03	A-1	Rush Drive	0250002500 part of	14.9	43,833 sf			Approved	*
James E. Collingsworth	7-15-03	R-1	Lenoir Rd	031N00A00100 & 1.00	.729	.332	*		Existing	
Lot 1 Trinkle Property	7-15-03	A-1	Barger Hollow/Island Roads	050, part of 101.00	5 approx.	.91			Approved	
Robert Rutledge Re-Plat	7-21-03	A-1	Pleasant Grove Road	08300 - 29,29.10 & 29.20	7.655	1.214	*		Approved	
Betty B. O'Dell	7-21-03	A-1	Bullock Hollow Road	08400174.02	6.286	1.999			Approved	
Bundy Musick Property	7-21-03	R-1	Adams Chapel Road	065P0A000700	8.93	1.444	*		Approved	
Royal Ridge lot 11	7-31-03	R-1	Millard Lane	066A0B0014.45	1.01	.39	*	*	Existing	
	7-31-03					.27 to be added to 1.5	*			
Lillie Scott Weaver		R-1	Webb Road	12400133.20	Large tract				Existing	
Addair Lots	7-28-03	A-1	Morrell Town Road	06900Part of 165.01	2.00	.59			Approved	

Sullivan County Regional Planning Commission Action – August 19, 2003

Confirmation: Dutton, Peterson – motion to confirm approvals, passed unanimously

F. Site Plans

(F-1)

Property Owner: Keith Elliott
Applicant: same
Site Plan - Final: Residence in a PMD-1 zone
Parcel ID: Tax Map
Zoning: PMD-1
Location: Taylor Drive, Piney Flats
Surveyor: Steve Lyons
Surrounding Zoning: R-1 and A-1
PC 1101 Growth Plan: Johnson City Urban Growth Boundary

Staff Field Notes:

- This parcel is used as a farm and will also be for a new residence. However, the previous landowners had it rezoned to PMD in 1990.
- The property has been recently landscaped on the PMD borders with a new wooden fence and Leyland Cypress trees.
- Since this is zoned PMD, any improvements must have an approved site plan prior to issuance of a permit.
- The property is approximately 59 acres +/-.
- All setbacks and landscaping meet the requirements of the PMD zoning district.

Discussion at the meeting:

- Dr. Elliott was present to represent his plans.
- Staff recommended approval of the plans.

Sullivan County Regional Planning Commission Action – August 19, 2003	
Approval: Pierce, Dutton – motion to approve passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

(F-2)

Property Owner:	Albert Moretz
Site Plan - Final:	Apple Villa Office Development - addition
Parcel ID:	Tax 66 B Parcel 048.00
Zoning:	PBD
Location:	Blountville Blvd.
Surveyor:	John Mize, with Mize & Associates
Civil District:	5th
Surrounding Zoning:	PRD, R1
PC 1101 Growth Plan:	Sullivan County Planned Growth Area

Staff Field Notes:

- This request is for a revised site plan for the purpose of adding 1080 square feet to the existing office complex;
- This request would require 4 additional parking stalls that are proposed on the adjacent multi-family complex (joint user-agreement is forthcoming);
- This request requires the maintenance of the buffering/setback (as has not been maintained from the original approval requirements for the rear and sides);
- The existing evergreen trees in the side property line (rear of office building) is actually located on the BTES property;
- The front yard landscaped/setback areas shall also be maintained;
- The construction entrance behind the office building shall be removed and the required trees shall be installed as previously required on original plan;
- Stormwater, erosion and sediment control measures shall be in place and noted on the site plan prior to any grading activity;
- The dumpster should be screened and shall be relocated out of the plantings area as the construction entrance is within the 25' required open space;
- Stormwater and any driveway connections shall be coordinated with the Sullivan County Highway Department.
- Mr. John Mize was present at the meeting to represent the request.

Sullivan County Regional Planning Commission Action – August 19, 2003	
Approval: Pierce, Settle – motion to approve the revised plan passed unanimously.	
Denial:	Reason for denial:
Defer:	Reason for denial:

(F-3)

Property Owner: Edwin and Glenna McCaulley
Revised Site Plan: Pizza Plus Restaurant – Addition
Parcel ID: Tax Map 48F, Group A, parcel 018.00
Zoning: PBD
Location: 5130 Memorial Blvd.
Surveyor: John Mize, RLS – Mize & Associates
Civil District: 7th
Surrounding Zoning: PBD, B-3, R-2 and R-1
PC 1101 Growth Plan: Kingsport Urban Growth Boundary

Staff Field Notes:

- This request is for a front room addition to the restaurant of about 508 square feet.
- Please add note: “All landscaping and buffering shall be maintained as illustrated on plan and required by ordinance”. Some of the trees that were originally installed have not been maintained.
- Erosion and sediment control measures shall be in place prior to any grading to ensure existing stormwater system is protected from sediment.
- Mr. John Mize was present to represent the request.

Sullivan County Regional Planning Commission Action – August 19, 2003	
Approval: Pierce, Peterson – motion to approve the revised plan, passed unanimously.	
Denial:	Reason for denial:
Defer:	Reason for denial:

G. Performance Bonds:

(G-1)

Name on Bond: J. A. Street & Associates, Inc. (former) owner on the bond
Current Owners: First Bank and Trust, Citizen Bank, and individual lot owners.
Performance Bond: Old Island Residential Subdivision, Section 1 - Surety Bond for \$100,000
Zoning: (R-3A, B-1 and A-1)
Location: Island Road, Kingsport
Surveyor: Mattern & Craig
Engineer: Gresham, Smith & Partners
Civil District: 7th
Surrounding Zoning: A-1
PC 1101 Growth Plan: Kingsport Urban Growth Boundary.

- This request is for the “call” of the performance bond from the National Fire Insurance Company of Hartford of \$100,000.
- This current and existing surety bond was approved by the Planning Commission January of 1999, as the previous letter of credit with First Tennessee Bank was to come due in December of 1998.
- The Sullivan County Regional Planning Commission is the beneficiary of the surety bond.

- The topcoat of pavement and other stormwater, erosion and sediment control measures have not been completed or maintained on the main subdivision road.
- The County Attorney has recommended that the Highway Commissioner and Planning Director research all outstanding bonds, letters of credit, or cash- on-deposits (performance guarantee instruments) so that the money can be secured, work bid out and performed to bring these subdivisions up to code.
- This subdivision has gone bankrupt, although there are some lots that have been sold and the golf course is operating.

Discussion at the meeting:

- Mr. Anthony (Tony) Overbay representing First Bank & Trust Company was present. He stated that on Monday, August 25, 2003, several lots were scheduled to be conveyed to individuals.
- Mr. Stan Harrison recommended to the board that the Planning Commission call the bond, which would declare the developer/bond applicant in default of the bond. He added that the Dan Street, County Attorney should then prepare a letter to the National Fire Insurance Company of Hartford which would put them on notice of this Planning Commission action.
- Mr. Archie Pierce recommended that the improvements be made to the satisfaction of the County Highway Commissioner.
- Staff explained that if a bond is called, the county would secure bids from paving companies, select a bid and then oversee the work. The bond money can only be used for this purpose and any remaining funds would be returned back to the Insurance Company. The planning staff will coordinate with the Highway Commissioner, County Attorney, County Purchasing Agent, County Mayor and board during this process and report back to the board at the September 16th meeting.

Sullivan County Regional Planning Commission Action – August 19, 2003

Approval: Mr. Pierce motion to call the bond with the condition that the work be completed in 30 days, a report given by staff at the next meeting, and the recommendations from the State planner. Mr. Dutton seconded the motion and the vote in favor of the motion passed unanimously.

Denial:

Reason for denial:

Defer:

Reason for denial:

H. Old Business – Staff updated the board on the County Commission actions on zoning matters:

- Passed the two rezoning petitions.
- Unanimously adopted the Historic and Conservation Overlay Zoning Resolution and Map for downtown Blountville;
- Deferred the Overall County Zoning Plan for 60-days with a recommended amendment motioned from Commissioner Vance to have the county planner write letters to the property owners of the 141 properties scheduled to be rezoned from non-commercial to commercial/manufacturing under the new plan and report the findings and comments back to the County Commission at a special-called night meeting in early November.
- The Planning Commission members commented that the Resolution should be passed with the original idea of having a 6-month grace period for the effectiveness of the map – giving residents a longer period to either accept the proposed change if any or keep the original zoning district. Discussion followed.

I. Adjournment

With no further business, a motion was made by Peterson and a second by Dutton

to adjourn the meeting at 8:52PM. Open discussion followed.

***MINUTES SHALL BE DISTRIBUTED TO ALL MEMBERS AND CONFIRMED AT THE NEXT
REGULARLY SCHEDULED SULLIVAN COUNTY REGIONAL PLANNING COMMISSION MEETING.***

Secretary for the Sullivan County Regional Planning Commission

Date

Ambre M. Torbett, AICP
Planning & Zoning Director
Prepared by: Recording Secretary

Sullivan County, Tennessee
Board of County Commissioners

Item 6
Executive
No. 2003-05-51

To the Honorable Richard S. Venable, Sullivan County Executive and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of May 2003.

RESOLUTION Amending the Sullivan County Zoning Resolution

WHEREAS, throughout the years, various structures in Sullivan County have been "grandfathered" into compliance within their particular zoning classifications when new and updated zoning rules and regulations effecting the county have been enacted; and,

WHEREAS, with all structures over a period of years it becomes necessary for property owners to replace, repair, update, and/or make improvements to these structures to ensure proper maintenance;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby amend the Sullivan County Zoning Resolution in an effort to ensure equitability and fairness to property owners of "grandfathered" properties.

BE IT FURTHER RESOLVED that any property owner possessing a "grandfathered" structure may replace, repair, update, and/or make improvements to that structure under the condition that said replacements, repairs, updates, and/or improvements do not exceed the original "grandfathered" foundation dimensions; and thereby shall remain in compliance continuing the structure's "grandfathered" status.

BE IT FURTHER RESOLVED that this amendment shall be retroactive covering all "grandfathered" structures presently existing within the County and shall also apply to any future structures deemed as "grandfathered" when zoning regulations are updated.

WAIVER OF THE RULES REQUESTED

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

Duly passed and approved this 16th day of June 2003.

Attested: Jeanie F. Gammon 6/16/03
Jeanie F. Gammon, County Clerk Date

Approved: Richard S. Venable 6/16/03
Richard S. Venable, County Executive Date

Introduced By Commissioner: Ferguson
Seconded By Commissioner(s): McConnell

2003-05-51	Administrative	Budget	Executive	County Commission
ACTION	No Action 6-2-03		No Action 6-4-03	Approved 06-16-03

18Aye, 4Pass, 2Nay

Comments: 1st Reading 05-19-03;

Above Resolution along with two attached amendments brought back before the Commission this 15th day of Sept., 2003 as Rezoning Text Amendment #4. due to improper procedure in the passage on June 16, 2003. Text Amendment #4 voted on and was denied by roll call vote (1Aye, 21 Nay, 2 Absent) this 15th day of Sept. 2003.

PROPOSED AMENDMENT

Item 6 – June 2003

No. 2003-05-51

Amendment # 1

AMEND AS FOLLOWS:

Add

“Dimensions to exclude overhangs after grandfathered foundation.”

at the end of the 2nd paragraph under the BE IT RESOLVED section.

Sponsor: Ferguson

Co-Sponsor: McConnell

Commission Action:

Amendment approved with Resolution 06-16-03.

PROPOSED AMENDMENT

Item 6 – June 2003

No. 2003-05-51

Amendment # 2

AMEND AS FOLLOWS:

WHEREAS, throughout the years, various residential structures in Sullivan County have been "grandfathered" into compliance within their particular zoning classifications when new and updated zoning rules and regulations effecting the county have been enacted; and,

WHEREAS, with all residential structures over a period of years it becomes necessary for property owners to replace, repair, update, and/or make improvements to these structures to ensure proper maintenance;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby amend the Sullivan County Zoning Resolution in an effort to ensure equitability and fairness to property owners of "grandfathered" properties.

BE IT FURTHER RESOLVED that any residential property owner possessing a "grandfathered" structure may replace, repair, update, and/or make improvements to that structure under the condition that said replacements, repairs, updates, and/or improvements do not *exceed* the original "grandfathered" ~~foundation~~ horizontal dimensions; and thereby shall remain in compliance continuing the structure's "grandfathered" status.

BE IT FURTHER RESOLVED that this amendment shall be retroactive covering all "grandfathered" residential structures presently existing within the County and shall also apply to any future structures deemed as "grandfathered" when zoning regulations are updated.

Sponsor: Ferguson

Co-Sponsor: McConnell

Commission Action:

Amendment approved with Resolution 06-16-03.

**Sullivan County
Board of County Commissioners
Staff Comments – July 21, 2003**

Background Report -

Commissioners O.W. Ferguson and Wayne McConnell presented a text amendment to the zoning code at the May County Commission meeting. It passed on first reading. Dan Street recommended that the resolution be deferred until he and staff could review it, changes could be made so that it does not conflict with the TCA and he also reminded members that this needed the recommendations from all three regional planning commissions. One small amendment was made to the resolution to include the overhang of existing structures within the area allowed for expansions of non-conforming structures. The State law (TCA section 13-7-208) allows for the expansion, replacement and continuance of any legal but non-conforming commercial and manufacturing facilities (such as billboards and stores), but does not make any provisions for any expansions of residential structures. The purpose of allowing the expansion of legal but non-conforming ("grandfathered" in) commercial and manufacturing facilities is for economic growth and stability. The TCA allows for the continuation of legal but non-conforming residential uses and structures, but has not established any requirements for expansions.

The Planning Commission has been requested to review the text amendment. The most logical placement of this text amendment, if the format were to be revised would be in Article V, Section 501. Codification needs to be done.

Please review the existing zoning code and the proposed change.

Staff recommends against this text change as it would open the door for numerous cases not in character with the community, it would negate pending cases the county is defending, it is not consistent with the policies of the cities and other communities, is not a standard zoning policy or it would be a requirement in the TCA, and most importantly a text amendment should not be created to relieve one applicant in particular, rather it should be created to meet the needs and planning objectives of the entire county. The text amendment was not prepared to be incorporated into the existing text of the zoning code as it lacks the article and section numbers, it conflicts with the existing 501 section and other sections.

Sullivan County Regional Planning Commission Action – June 17, 2003 – 8 of the 9 members present		
Approval:		
Denial:	Mullins, Bronner – motion to strongly forward an unfavorable recommendation to the CC	Reason for denial: conflicts with proposed zoning code
Defer:		Reason for denial:

Kingsport Regional Planning Commission Action – , 2003 <i>Jul 17</i>		
Approval:		
Denial:		Reason for denial: <i>Took no action</i>
Defer:		Reason for denial:

Bristol Regional Planning Commission Action – July 21, 2003		
Approval:		
Denial:	<i>unanimously</i>	Reason for denial:
Defer:		Reason for denial:

Board of County Commissioners Action – May 19, 2003 first reading /// June 16, 2003		
Approval:	approved 18 yes, 4 pass, 1 no	
Denial:		Reason for denial:
Defer:		Reason for denial:



CITY OF BRISTOL TENNESSEE

104 Eighth Street
Bristol, Tennessee 37620



David Shumaker - Mayor
Kelly Graham - Vice Mayor
John S. Gaines - Councilman
Jim Messimer - Councilwoman
Trish Bane - Councilwoman

Tony Massey - City Manager

RECEIVED

JUL 23 2003

SULLIVAN COUNTY, TN
LAND USE OFFICE

Mailing Address:
P. O. Box 1189
Bristol, TN 37621-1189
Telephone 423/989-5500
Fax 423/989-5717

Facsimile Transmission

July 22, 2003

TO: Ambre Torbett
Director of Planning and Zoning
Sullivan County Land Use Office

FROM: Hakim Merrill *Hakim Merrill*
Land Use Planner

SUBJECT: Bristol Tennessee Planning Commission Action on County Requests
July 21, 2003 meeting

Recommendation of the Bristol Tennessee Planning Commission on Sullivan County requests are as follows:

Sullivan County Rezoning Zoning Resolution -Amendment

The Bristol Tennessee Regional Planning Commission sent an unanimous unfavorable on recommendation to the Sullivan County Commission regarding to the proposed non-conforming use zoning resolution.

Sullivan County Zoning Plan - (Resolution & Map)

The Bristol Tennessee Regional Planning Commission sent a favorable recommendation to the Sullivan County Commission, regarding the Sullivan County Zoning Plans Resolution and Map with the recommendation to change the requirement of 20,000 square feet lots to 40,000 square feet lots per dwelling. The motion was carried with two no votes.

Bristol

Page 2

Sullivan County Historic Zoning Plan

The Bristol Tennessee Regional Planning Commission unanimously recommended in favor of the proposed zoning resolution to create a Historic Zoning District overlay.

Attached are a copy of agenda items. If you have any questions regarding this matter please contact me at (423) 989-5564.

cc: Stanley Harrison - Tennessee State Planning Office

Burial

Agenda Item: Sullivan County Zoning Resolution - Amendment

Background: This is a request from the Sullivan County Planning office to review a proposed zoning resolution for expansions to nonconforming residential structures. This particular zoning resolution as presented would allow for the expansion of nonconforming residential structures without meeting any current zoning requirements as they would be considered "grandfathered".

Analysis: This zoning resolution came to life after a resident of the County constructed a make shift sun room on top of an existing deck after being told by County officials it was not permitted because it could not meet the setbacks required under the Sullivan County Zoning Resolution. The resident constructed the sun room and then applied for an after the fact variance. The variance to the side yard setback was denied and the resident was taken to court by the County to have it removed. Judge Ladd found in favor of the County and ordered the structure removed by June 10, 2003. In an attempt to override the courts decision, County Commissioners Ferguson and McConnell are sponsoring an amendment to the Sullivan County Zoning Resolution that would grandfather the addition. Ambre Torbett, the Sullivan County's Planning Director states the following:

→ Staff recommends against this text change as it would open the door for numerous cases not in character with the community, it would negate pending cases the county is defending, it is not consistent with the policies of the cities and other communities, is not a standard zoning policy or it would be a requirement in the TCA, and most importantly a text amendment should not be created to relieve one applicant in particular, rather it should be created to meet the needs and planning objectives of the entire county. The text amendment was not prepared to be incorporated into the existing text of the zoning code as it lacks the article and section numbers, and it conflicts with the existing 501 section and other sections.

The proposed amendment states *"that any residential property owner possessing a "grandfathered" structure may replace, repair, update, and/or make improvements to that structure under the condition that said replacements, repairs, updates, and/or improvements do not exceed the original "grandfathered" horizontal dimensions; and thereby shall remain in compliance continuing the structure's "grandfathered" status."* Essentially this means no existing nonconforming structure would ever be brought into code compliance with the current zoning regulations. Ex. Should a nonconforming structure burn to the ground or be torn down, this amendment if passed, would allow the structure to be "replaced" as long as it did not exceed the horizontal dimensions of the preexisting residential structure. This is not the intent of the nonconforming section of a zoning ordinance and should this amendment pass no nonconforming residential structure would ever be brought into compliance with the existing zoning ordinance.

Currently Article V- *General Provisions, Section 501*, of the Sullivan County Zoning Resolution addresses Nonconforming Uses and Structures. The proposed amendment makes

Bristol

no mention as to its placement within the existing Sullivan County Zoning Resolution and it is a direct contradiction with Article V- *General Provisions, Section 501*, more specifically Section 501.2 which states "*any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before, unless it is determined by the Building Commissioner that the building is damaged to the extent of more than seventy-five (75) percent of the fair market cash value of the structure, in which case any repair or reconstruction shall be in conformity with this Ordinance.*"

Maintenance of a nonconforming residential structure should not be confused with expansion of a nonconforming residential structure. Many zoning ordinances allow the maintenance to "grandfathered" structures; however expansions are generally limited to a percentage before they must conform to the current zoning code. The Bristol Tennessee *Planning and Zoning Ordinance* allows a nonconforming structure to be rebuilt status quo if it is not damaged by more than 40% of its assessed value for tax purposes. Without this type of mechanism within a zoning ordinance, nonconforming structures would never be required to meet current zoning code requirements and therefore would never be brought into compliance with any regulations at the time of the expansion. This would essentially make the need for a Nonconforming section to your zoning code a moot point.

Recommendation: Staff recommends that the Planning Commission send an unfavorable recommendation to the Sullivan County Planning Commission on this proposed zoning resolution.



CITY OF KINGSFORT, TENNESSEE

07-12 Sullivan County Zoning Text Amendment

The Commission was requested to make a recommendation on a county text amendment that was approved on 2nd Reading in June 2003 by the Sullivan County Commission. The Sullivan County Commission approved a text amendment, which attempted to grant legal status on structures constructed before June 2003, regardless of whether the structures conformed to the county zoning setback standards. The Kingsport Regional Planning Commission, and Bristol Planning Commission did not make a recommendation on the county text amendment before it was approved by the Sullivan County Commission in June 2003. Staff recommended for the Commission to vote to take no action on the item based upon the advice from the Kingsport City Attorney because it did not follow standard procedure for zoning amendments. John Sandidge objected to the text amendment stating that it was written to benefit one person instead of the benefit of the community. On a motion by McIntire, seconded by Phillips, the Commission voted unanimously, 7-0, to accept the Staff recommendation based upon the rationale provided by Staff.

Mc

07-13 County Historic Zoning Text Addition

The Commission was requested to make a recommendation on a proposed Sullivan County zoning code text addition that creates a county Historic Zoning and Conservation Overlay. Staff recommended the text amendment as requested because it preserved the historic character of downtown Blountville. On a motion by McIntire, seconded by Releford, the Commission voted unanimously, 7-0, to accept the Staff recommendation based upon the rationale provided by Staff.

yes

07-14 Sullivan County Zoning Text & Map

The Commission was requested to make a recommendation on the updated Sullivan County zoning map and text. On March 4, 2002, the Commission voted unanimously to recommend the plan as presented. Staff stated that the proposed zoning text and map had passed the Sullivan County Planning Commission, 4-3, on July 15, 2003 with the stipulation that residents of all rezoned property had to be notified of the change. Staff recommended the zoning text and map amendment because it substantially conformed to the plan that the Commission previously passed. Charlie Hasbrook objected to the perceived commercial zoning designation adjacent to Rock Springs Road. Robert Nemeth stated that the County Planner had informed him on July 16, 2003 that the property adjacent to Rock Springs Road would be zoned agriculture and residential, and only its intersection with Moreland Drive would be zoned commercial. On a motion by McIntire, seconded by Releford, the Commission voted unanimously, 7-0, to accept the Staff recommendation based upon the rationale provided by Staff.

yes

A colored hardcopy of the Staff reports will be mailed to you. If you have any questions, call me at 224-2482.

Sincerely,

A handwritten signature in cursive script that reads "Robert Nemeth".

Robert Nemeth

MEMORANDUM

TO: KINGSFORT REGIONAL PLANNING COMMISSION
FROM: ROBERT NEMETH, PLANNER
DATE: For July 17, 2003
SUBJECT: Sullivan County Zoning Text Amendment

INTRODUCTION

The Commission is requested to make a recommendation on a county text amendment that was approved on 2nd Reading in June 2003 by the Sullivan County Commission.

PRESENTATION

The Sullivan County Commission approved a text amendment, which attempted to grant legal status on structures constructed before June 2003, regardless of whether the structures conformed to the county zoning setback standards. The Kingsport Regional Planning Commission, and Bristol Planning Commission did not make a recommendation on the county text amendment before it was approved by the Sullivan County Commission in June 2003.

OPTIONS

The Planning Commission's options are as follows:

1. Recommend the county text amendment.
2. Deny approval and state the reasons for denial in writing.
3. Postpone action pending receipt of additional information.
4. Take no action on this item.

RECOMMENDATION

Staff recommends Option 4.

The Kingsport City Attorney advised that the Kingsport Regional Planning Commission take no action on the item because it did not follow standard procedure for zoning amendments.

Attachment: County text amendment.

No

#8

[illegible]

RESOLUTIONS ON DOCKET FOR SEPTEMBER 15, 2003

RESOLUTIONS

ACTION

[illegible]

8

21 Aug	22 Aug	22 Aug	22 Aug	22 Aug
17 Aug	20 Aug	20 Aug	20 Aug	20 Aug
20 Aug				

Sullivan County, Tennessee
Board of County Commissioners

Item 1
No. 2003-09-00

To the Honorable Richard S. Venable, Sullivan County Executive and the Board of Sullivan County Commissioners meeting in Regular Session this 15th day of September 2003.

RESOLUTION Authorizing the Board of County Commissioners 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 15th day of September 2003.

Attested: Jeanie Gammon 9/15/03 Approved: Richard S. Venable 9/15/03
Jeanie Gammon, County Clerk Date Richard S. Venable, County Executive Date

Introduced By: Commissioner: King (Buddy)
Seconded By: Commissioner(s): Ferguson

2003-09-00	County Commission
ACTION	Approved 09-15-03 Voice Vote

Comments: Motion made by Hyatt and seconded by Crawford to approve.

Sullivan County, Tennessee
Board of County Commissioners

42
Item 11

Budget

No. 2003-05-47

To the Honorable Richard S. Venable, Sullivan County Executive and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of May 2003.

RESOLUTION Authorizing Shift Differential Pay Increase For Sullivan County Sheriff's Office

WHEREAS, the Deputy Sheriffs of Sullivan County work alternating shifts in order to accomplish the legal requirements mandated to the Sheriff of Sullivan County; and,

WHEREAS, alternating shifts creates a hardship and stress that is not experienced by day shift workers; and,

WHEREAS, in the past the County Commissioners voted to compensate the officers that worked the evening shift twenty-five cents (.25¢) more per hour than they were paid on day shift and thirty-five cents (.35¢) more on night shift than paid on day shift; and,

WHEREAS, the cost of living has increased considerably since the shift differential pay was decided; and,

WHEREAS, the officers working shift work have not received a pay increase over the past three years and are due some increase in their income;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves an increase in the shift differential pay for shift workers of the Sheriff's Office by ten cents (.10¢) per hour, so that the new shift differential pay will equal thirty-five cents (.35¢) per hour on evening shift and forty-five cents (.45¢) per hour on night shift.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.
Duly passed and approved this _____ day of _____ 2003.

Attested: _____
Jeanie F. Gammon, County Clerk Date

Approved: _____
Richard S. Venable, County Executive Date

Introduced By Commissioner: Herron
Seconded By Commissioner(s): Crawford

2003-05-47	Administrative	Budget	Executive	County Commission
ACTION				

Comments: 1st Reading 05-19-03; Deferred 06-16-03; Deferred 07-21-03;
Deferred 08-18-03; Withdrawn 09-15-03.

**Sullivan County, Tennessee
Board of County Commissioners**

46
3 Item 25
Budget
No. 2003-06-72

To the Honorable Richard S. Venable, Sullivan County Executive and the Board of Sullivan County Commissioners meeting in Regular Session this 16th day of June 2003.

RESOLUTION TO CALL A REFERENDUM ON THE QUESTION OF WHETHER A COUNTY-WIDE MOTOR VEHICLE TAX SHOULD BE LEVIED FOR SULLIVAN COUNTY

WHEREAS, *Tennessee Code Annotated*, Section 5-8-102, authorizes counties to levy and have approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the tax should be levied, a motor vehicle privilege tax as a condition precedent to the operation of a motor vehicle within a county; and,

WHEREAS, the need for new revenue sources is great in Sullivan County;

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

SECTION 1. For the privilege of using the public roads and highways, in Sullivan County, Tennessee, there is levied upon motor-driven vehicles, and upon the privilege of the operation thereof, except motorcycles, motor-driven bicycles and scooters, farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality and except for other exemptions provided by general law, a special privilege tax for the benefit of such county, which tax shall be in the amount of \$26.00 for each such motor-driven vehicle, the owner of which resides within said county.

SECTION 2. The tax herein levied shall be paid to and collected by the County Clerk of Sullivan County, who is authorized by *Tennessee Code Annotated*, Section 67-4-103, to collect such privilege taxes. The County Clerk shall collect this tax at the same time he or she collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State. The County Clerk shall deduct a fee of five percent (5%) as authorized in *Tennessee Code Annotated*, Section 8-21-701(55), from the amount of taxes collected and paid over to the Trustee.

SECTION 3. Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the County Clerk, the original of which shall be kept by the owner of the motor-driven vehicle, and by a decal also issued by the County Clerk, which shall be displayed by affixing the decal on and to the lower right corner of the license plate in the space provided for such decal. The design of the decal shall be determined by the County Clerk being one inch (1") in height and have a width of one-half inch (1/2"), the same size as the present state renewal decal. The expense incident to the purchase of such decals herein required, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the County Clerk shall be paid from the General Fund of the County.

SECTION 4. The privilege tax or wheel tax herein levied, when paid together with full, complete and explicit performance of and compliance with all provisions of the Resolutions, by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid on and which the decal has been affixed as herein provided, to operate or allow to be operated his vehicle over the streets, roads, and highways of the county for a period of one year, which will run concurrently with the period established for the state registration fees by *Tennessee Code Annotated*, Section 55-4-104.

In the event the wheel tax decal is sold by the County Clerk for a period of more or less than a calendar year, the tax imposed shall be proportionate to the annual tax fixed for the vehicle and modified in no other manner, except that the proportional tax shall be rounded off to the nearest quarter of a dollar.

SECTION 5. In the event any motor-driven vehicle for which the wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable, obliterated, erased or defaced, or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of said county; or in the event that the owner transfers the title to the vehicle, and completely removes there from and destroys the decal or emblem issued for and placed thereon, and the owner makes proper application to the County Clerk for the issuance of a duplicate decal to be used by the owner for the unexpired term for which the original decal was issued, and the County Clerk is satisfied that the applicant is entitled to the issuance of such a duplicate decal and the owner pays the County Clerk the sum of \$3.00, the County will then issue to such owner a duplicate receipt, canceling the original receipt delivered to the owner by the County Clerk, and a duplicate decal shall be provided to be affixed as outlined above.

SECTION 6. The proceeds of this tax shall be deposited in the Highway Fund of Sullivan County, and to the incorporated Cities within Sullivan County a prorate share of the monthly collections based upon the certified road miles of each jurisdiction within Sullivan County.

SECTION 7. This Resolution shall have no effect unless it is approved by a majority of the number of qualified voters of Sullivan County, Tennessee, voting in an election on the question of whether or not the tax should be approved. The county election commission, upon passage of this Resolution, shall call an election on the question of whether or not the wheel tax should be levied to be held in the a special election after this request has been certified by the County Clerk to the Sullivan County Election Commission, with the ballots having printed on them the substance of this Resolution. The voters shall vote for or against the approval of this Resolution and the result of such referendum certified by the county election commission to the county legislative body. The cost of the election shall be paid by Sullivan County.

SECTION 8. For the purpose of approving or rejecting the provisions of this Resolution, it shall be effective upon being approved by a majority of the members of the Sullivan County Legislative Body, the public welfare requiring it. For all other purposes, this Resolution shall take effect upon approval as provided in Section 7.

WAIVER OF THE RULES REQUESTED

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

Duly passed and approved this _____ day of _____ 2003.

Attested: _____
Jeanie F. Gammon, County Clerk Date

Approved: _____
Richard S. Venable, County Executive Date

Introduced By Commissioner: McConnell

Seconded By Commissioner(s): Surgenor
at

2003-06-72	Administrative	Budget	Executive	County Commission
ACTION				

Comments: Motion made to defer by Harr, seconded by Hyatt. Motion to defer approved by voice vote of the commission 06-16-03; Deferred 06-16-03; Deferred 07-21-03; Deferred 08-18-03; Amended by McConnell "to put on February Primary" 9-15-03; Amendment made by Blackburn, 2nd by Houser "TO lower amount to \$13.00", amendment accepted by Sponsor 09-15-03; Deferred 09-15-03;

Sullivan County, Tennessee
Board of County Commissioners

4
Item 10
Executive
No. 2003-08-88

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of August 2003.

RESOLUTION To Establish an Incentive Program Through the Industrial Development Board of Sullivan County for the Purpose of Increasing Employment Opportunities in Sullivan County

WHEREAS, in the course of promoting economic development of Sullivan County, the Industrial Development Board of the County of Sullivan earns fees and revenues from services it provides to industry to include financing charges and rents; and,

WHEREAS, the Board operates as a non-profit organization and when it determines that there are sufficient earnings not required to meet expenses and obligations of the organization, then such funds should be transferred to the County; and,

WHEREAS, the Board of Directors of the IDB is, however, proposing to use such funds to establish an incentive program which will assist and reward new and expanding industries for each new job created; and,

WHEREAS, the creation of such an incentive program through the IDB would utilize the powers of the Board to aid private enterprise in their efforts to acquire, improve, maintain, equip, lease, sell or to lend funds toward projects; and,

WHEREAS, the County Commission wishes to have said funds (an estimated current amount of \$100,000) of the IDB used to establish an incentive program for the creation of new jobs.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorizes the Industrial Development Board of Sullivan County to use "net earnings" (an estimated current amount of \$100,000) of the organization to establish and operate an incentive program aimed at assisting in the creation of new jobs. Upon passage this resolution will replace Resolution No. 2003-06-61 approved July 2003.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.
Duly passed and approved this 15th day of September 2003.

Attested: Janie F. Gammon 9/5/03 Approved: Richard S. Venable 9/15/03
Janie F. Gammon, County Clerk Date Richard S. Venable, County Executive Date

Introduced By Commissioner: R. Harr

Seconded By Commissioner(s): E. Williams

2003-08-88	Administrative	Budget	Executive	County Commission
ACTION			Approve 8-6-03	Approved 09-15-03

21 Aye, 1 Nay, 2 Absent

Comments: 1st READING 08-18-03;

Sullivan County, Tennessee
Board of County Commissioners

Item 5
Budget
No. 2003-08-91

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of August 2003.

RESOLUTION Authorizing the Sale of Land in the Tri-County Industrial Park

WHEREAS, a site of 4.071 acres is available on Century Court;

WHEREAS, Sullivan County owns, in its entirety, Tri-County Industrial Park, Section II;

WHEREAS, a machining operation wishes to acquire acreage in the Tri-County Industrial Park, Section II, and construct a 10,000 sq. ft. industrial building;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorizes the sale of such site at a price of \$48,852.00.

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

Duly passed and approved this 15th day of September 2003.

Attested:

Jeanie F. Gammon
Jeanie F. Gammon, County Clerk
Date

Approved:

Richard S. Venable
Richard S. Venable, Mayor
Date 9/15/03

Introduced By Commissioner: Harr

Seconded By Commissioner(s): Hyatt

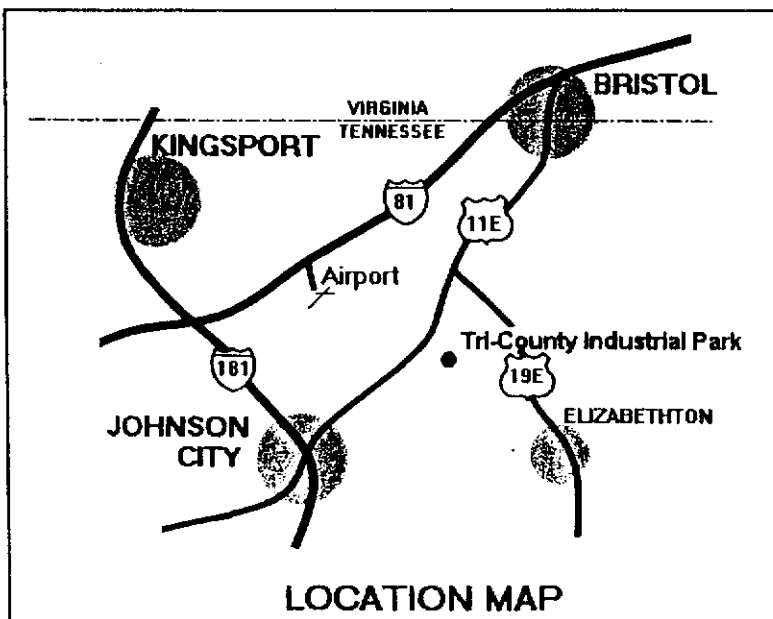
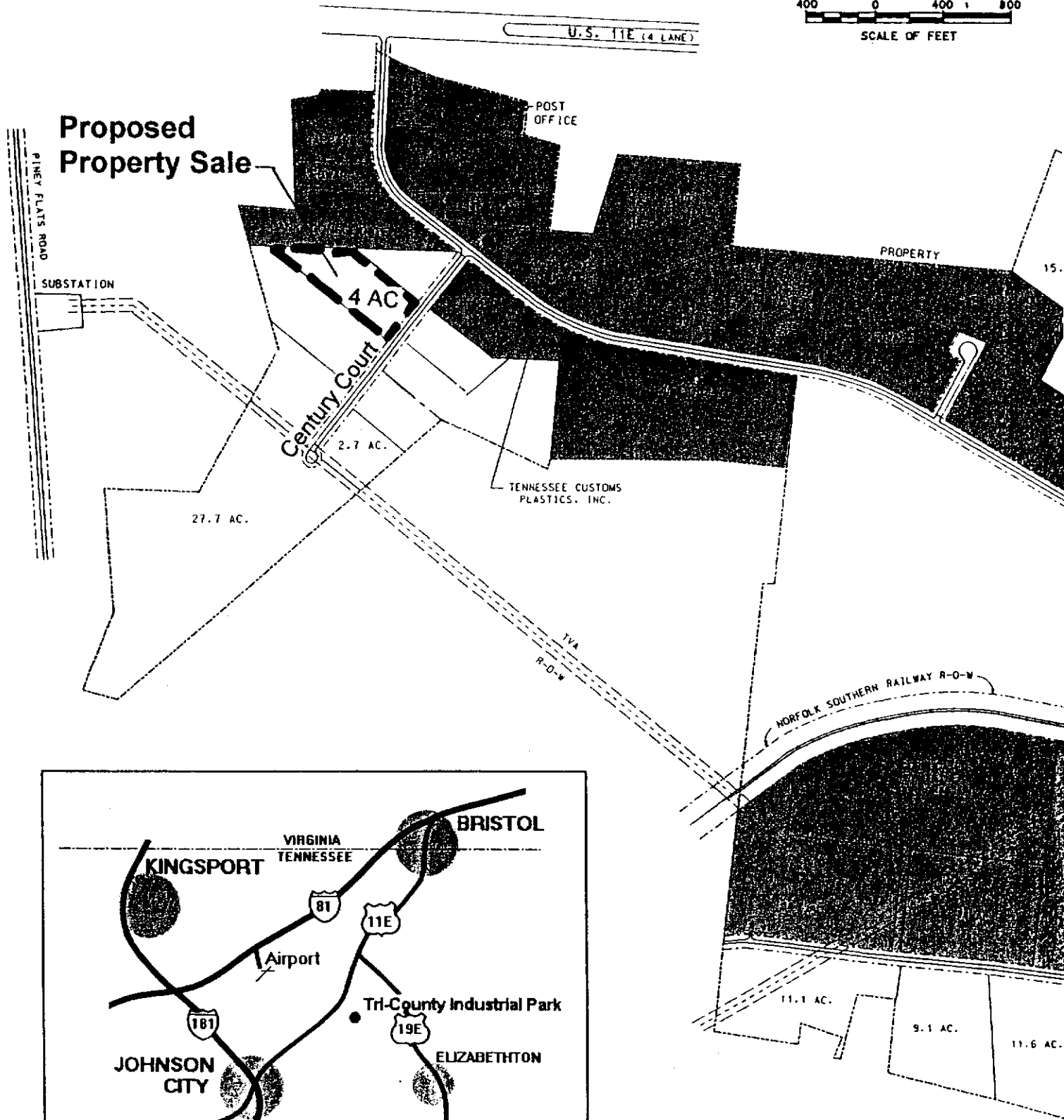
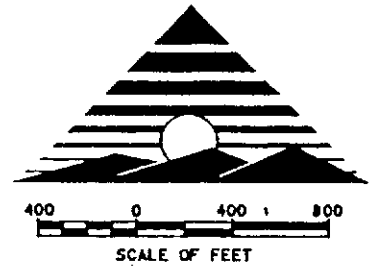
2003-08-91	Administrative	Budget	Executive	County Commission
ACTION				Approved 09-15-03

22 Aye, 2 Absent

Comments: See Attachment (1 page)

1st READING 08-18-03;

TRI-COUNTY INDUSTRIAL PARK SULLIVAN COUNTY, TENNESSEE



ATTACHMENT
7003-08-91

Sullivan County, Tennessee
Board of County Commissioners

6
Item 15
Administrative
No. 2003-08-93

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 18th day of August, 2003.

RESOLUTION Authorizing Sullivan County Sheriff and Sullivan County Purchasing Agent to Submit Proposed Revised Agreement to Tennessee Business Enterprises for the Purchase of Inmate Commissary Services at the Sullivan County Jail

WHEREAS, Tennessee Code Annotated §71-4-501, et seq., provides that licensed blind vendors shall be given priority in the operation of vending facilities on property owned by local governmental entities in the State of Tennessee; and

WHEREAS, Sullivan County has previously entered into an agreement with Tennessee Business Enterprises, a program operated by the Tennessee Dept. of Human Services whereby blind vendors are licensed and assigned to operate vending stands on governmental property, for the operation of the commissary at the Sullivan County Jail; and

WHEREAS, the terms of the current Agreement are such that inmates are currently being overcharged for certain items purchased through the jail commissary, i.e., personal hygiene items, clothing, etc.; and

WHEREAS, in an effort to reduce the cost of certain items purchased by the inmates at the jail commissary, the Sullivan County Sheriff's Office has requested authority to renegotiate the terms of the current Agreement and have prepared a proposed revised Agreement, as approved by the Sullivan County Attorney, for submission to Tennessee Business Enterprises, a copy of which is attached hereto.

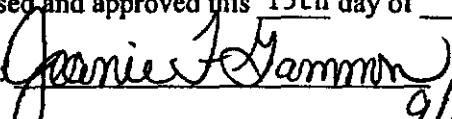
NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize the Sullivan County Sheriff and the Sullivan County Purchasing Agent to submit the attached revised agreement for consideration by Tennessee Business Enterprises and authorize the appropriate county officials to execute the revised Agreement upon approval.

[WAIVER OF RULES REQUESTED]

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

Duly passed and approved this 15th day of September 2003.

Attested:



Jeanie Gammon, County Clerk Date 9/15/03

Approved:



Richard S. Venable, Mayor Date 9/15/03

Introduced By: Commissioner: J. Crawford

Seconded By: Commissioner(s): J. Herron

tr

2003-08-93	Administrative	Budget	Executive	County Commission
ACTION				Approved 09-15-03 22 Aye, 2 Absent

Comments: See Attachment (14 pages) Motion to defer by Surgenor, second by Hyatt.

Deferred and refer back to committees 08-18-03; Amendment made by Vance, Seconded by Patrick that "From this point on after approval of this, that this be a normal situation for the Purchasing Dept. to do instead of it coming back before the Commission every year" Amendment accepted by Sponsor Crawford and approved along with Resolution 09-15-03.

**AGREEMENT BETWEEN
SULLIVAN COUNTY SHERIFF'S OFFICE
AND
TENNESSEE BUSINESS ENTERPRISES
FOR
PURCHASE OF INMATE COMMISSARY SERVICES**

WITNESSETH:

WHEREAS, Tennessee Code Annotated, Sections 71-4-501 et seq., provides that licensed blind vendors shall be given priority in the operation of vending facilities on property owned by local government entities in the State of Tennessee; and,

WHEREAS, the State of Tennessee, Department of Human Services, Division of Services for the Blind and Visually Impaired maintains and operates Tennessee Business Enterprises, a program whereby blind vendors are licensed and assigned to operate vending stands on federal, state and local government property in the State of Tennessee.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. This agreement is entered into on the 1st day of _____, 2003, by and between SULLIVAN COUNTY, TENNESSEE (hereinafter "Management") and TENNESSEE BUSINESS ENTERPRISES, an agency of and operated by the State of Tennessee, Department of Human Services, Division of Services for the Blind and Visually Impaired (hereinafter "Agency").
2. Management agrees to allow the Agency controlled access to the Sullivan County Jail, 140 Blountville Bypass located in Blountville, Tennessee (hereinafter "Facility"), for the purpose of providing turnkey jail commissary services, including a computerized inmate trust fund accounting system. Commissary service will be provided in accordance with the Standard Operating Procedures (SOP) which are attached hereto and made a part of this agreement as attachment A and in accordance with the proposal submitted by Agency in response to Management's Request for Proposals #JCC2000(H).
3. It is understood that vending machines will not be included as part of the commissary operation and that inmates will not have access to any such machines. The Agency will have exclusive rights to any and all vending machines intended to provide service to staff and/or visitors at Facility and Agency at its sole discretion will determine the licensed manager to service these machines. The use of vending machines, including quantity and location, shall be at the sole discretion of Management. Until notification by written notification, it is agreed that the Agency will continue to be the servicing agent for the vending machines described in this section.
4. The jail commissary services shall be provided as follows:

- A. The Agency shall assign a licensed blind manager (hereinafter "Licensed Manager") who will be responsible for the provision of the inmate commissary services. The Agency is solely responsible for selecting the Licensed Manager and determining their qualifications, and any candidate will be required to clear security requirements as set forth by Management before being permanently or temporarily assigned as the manager of the commissary. Likewise, the names of any individuals being considered for employment in any aspect of the commissary will be submitted to the Sheriff for a background check and approval prior to employment.
- B. The Licensed Manager and any of his/her employees will be required to complete a two-day training program conducted by the Sheriffs Office on jail security measures.
- C. The Agency shall require its Licensed Manager to provide commissary services to the inmates of the Facility so as to provide each inmate with access to commissary at least twice per week in accordance with the SOP. Additional commissary access is subject to prior-written approval by Management.
- D. With the exception of on-site computer hardware and software and support, as specified below, the commissary shall be operated from off premises locations not in Sullivan County. Commissary orders will be filled out by inmates on pre-printed forms, provided by the Licensed Manager, which lists only those items available to inmates in the Facility, and which indicates the price of each item. Order forms will be picked up by the Licensed Manager and entered into the Accounting System. Funds will be electronically deducted immediately, and the inmate will be given a notice of his new balance simultaneously with a receipt for the order. All orders shall be filled and packaged at off-premises locations outside Sullivan County.
- E. Completed orders shall be delivered in accordance with the SOP. The Licensed Manager and/or his/her employee(s) shall deliver the orders to individual inmates in their housing units along with an escort officer. Individual inmate commissary orders are to be delivered in clear plastic bags with tamper proof seals. There shall be two copies of the order receipt sealed within the bag. The receipt shall contain the following information:
- Inmate name
 - Inmate location
 - Inmate ID number
 - Items and quantities ordered
 - Total of order
 - Beginning (pre-order) inmate account balance

- Ending (post-order) inmate account balance
 - Signature lines for the inmate and for the deliverer
- F. Items offered for sale through the commissary shall include, and meet inmate needs for, food/snacks and beverages, clothing, stationery, games, and personal hygiene and care items, so that inmates are no longer dependent upon packages from family members for such items. Agency and Management personnel will meet and agree upon the items to be carried on the commissary menu, however, items containing tobacco or alcohol shall not be sold. Personal hygiene products and health care items will be brand specific on the order form. No items are to be offered or removed without written permission from Management. In the event of disagreement the decision of Management will be final.
- G. Agency shall provide initial entry packages for inmates booked into Facility. These packages will consist of the following: 1 comb, 6 1/2 to 7 , soap, .75 oz. wrapped, toothbrush 30 tuft, fluoride toothpaste, .85 oz., and shampoo, 4 oz.
- H. Agency shall provide indigent packages to each inmate determined by the Facility, on accordance with policies, to be indigent. Each indigent inmate shall receive the following: one (1) pen, five (5) sheets of writing paper, five (5) stamped (first class postage) envelopes, one (1) 4 oz. soap, one (1) 15 oz. shampoo, one (1) toothbrush, and one (1) 8 oz. toothpaste. Thereafter, the inmate shall receive a full indigent package once every four (4) weeks.
- I. All containers shall be made of non-breakable materials. Food/snacks and beverages shall be individually packaged, and all perishables shall bear a use or sell by date. Expired products shall not be delivered to inmates.
- J. The Licensed Manager shall maintain sufficient inventory levels at its warehouse(s) so that it has an order fill rate of ninety eight percent (98%) or better. Items shall not be backordered or substituted. Any backorder or substitution will be treated as a failure to fill an order.
- K. Items not delivered because the inmate is not at the Facility at the time of delivery will be left for the commissary officer to hold. Unclaimed commissary orders will become the property of Management. These orders will not be restocked.
- L. The Agency shall conduct a price comparison survey of the products it sells each year. The survey shall include a national chain drug store, one convenience market, and one national chain department store. Prices that the inmates are charged for commissary items shall not exceed the average price for each brand specific product, as established by the survey, by more than ten percent (10%), and must be approved by Management. Three different department stores will be used to survey clothing items. When surveying clothing items, they do not have

to be brand specific but must meet the fabric content equal to what is being sold. Approval shall be granted so long as the standard is met. Accordingly, initial prices and any proposed price increases and supporting documentation of compliance with the pricing standard shall be submitted to Management for approval prior to implementation.

M. Agency shall subcontract or otherwise enter into an agreement with Aramark, for a computerized inmate trust fund accounting System ("Accounting System"), including hardware, software, and technical and operational assistance, including maintenance and updates of the hardware and software, and training for the user employees of Management. The Accounting System and support shall meet the minimum requirements set forth below:

- networked, PC based inmate banking system that ties together all jail facilities in a live environment and that can be linked to the computerized jail management system when it come on line
- records identified by inmate name, ID number, and other identifiers
- intake & release population tracking
- account balance maintained up to the minute, , and restrictions applied to purchases without sufficient funds
- an indigent minimum limit of two (2) dollars will be applied and will automatically be indicated when this minimum is reached.
- automatic deduction for judicial system and support cost assessed to inmates
- accounting reports for specified periods
- inmate purchase restrictions by quantity, date, custody level, and disciplinary/indigent status
- on line instant access to all inmates sales information and account balance
- on demand generation of reports and sales analysis
- production and printing of checks and deposit slips
- ability to manage inmate co-payments for services provided, such as health care, program, jail fees, admission kits, etc.
- system security
- all hardware and software to support commissary and account system

N. Agency, through Aramark, shall make service providers for the Accounting System (hardware and software) available 24 hours per day, 7 days a week, to maintain the System.

O. Management will assess a two-dollar (\$2) fee for all commissary orders.

5. Agency agrees to comply with any applicable federal, state and local laws and regulations and shall require its Licensed Manager to do likewise.

6. The Licensed Manager shall maintain documentation for all charges against Management. The books, records, and documents of Agency, insofar as they relate to work performed or money received under the permit, shall be maintained for a period of three (3) full years from the date of final payment and will be subject to audit, at any reasonable time and upon reasonable notice by Management or its duly appointed representatives. The records shall be maintained in accordance with generally accepted accounting principles.
7. Agency shall require its Licensed Manager to maintain comprehensive general liability insurance and product liability insurance with limits of not less than \$1,000,000 (one million dollars) per claim and \$5,000,000 (five million dollars) annually. A certificate of insurance evidencing said coverage shall be provided to Management prior to commencement of performance of this permit and annually thereafter.
8. The Agency shall require that each of its Licensed Managers assigned to provide services under this agreement indemnify and hold harmless Management, its officers, agents and employees from:
 - A. Any claims, liability, loss, damages, costs and attorney fees for injuries or damages arising, in part or in whole, from the negligent or intentional acts or omissions of the Licensed Manager, its officers, employees and/or agents, including its sub or independent contractors, in connection with performance under the terms of this agreement.
 - B. Any claims, liability, loss, damages, penalties, costs and attorney fees arising from any failure of the Licensed Manager, its officers, employees and/or agents, including its sub or independent contractors, to observe applicable laws, including, but not limited to, labor laws and minimum wage laws.

In order to comply with the provisions of the subsection, the Agency shall require each Licensed Manager to execute, and the Agency shall provide to Management attached Indemnification and Hold Harmless Form (Attachment B). Said Form must be submitted for each Licensed Manager before that person may commence any performance pursuant to or for this agreement.
9. No person on the ground of disability, race, color, national origin, age, sex or religion, will be excluded from participation in, or be denied benefits of, or be otherwise subjected to discrimination in the performance of this agreement or in the employment practices of the Agency, its Licensed Manager, or Management.
10. This permit is granted subject to and shall be administered in accordance with the provisions of the Randolph-Sheppard Act, as amended (20 U.S.C. § 107 – 107f (1970, Supp. IV, 1975)), and all regulations which may be promulgated pursuant

thereto. In the event of amendment of such act or regulations or promulgation of new regulations, this Agreement may be modified to incorporate such changes as are required by the amendments or new regulations.

11. No member of or delegate to Congress or Resident Commissioner or any employee of Management or of the State of Tennessee shall be admitted to any share or part of this permit or to any benefit that may arise there from, except as may be specifically provided by written addendum attached hereto.
12. This agreement shall remain in effect until terminated by either Management or Agency upon sixty (60) days written notice.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names as of the day and year shown.

MANAGEMENT

BY: _____ Date _____
Sullivan County Mayor

BY: _____ Date _____
Nelda Hulse, Purchasing Agent

DEPARTMENT OF HUMAN SERVICES

BY: _____ Date _____
Director
Services for the Blind and Visually Impaired

Sullivan County Sheriff's Office Corrections Division Standard Operating Procedure

Number:	1.2.11
Title:	Inmate Commissary
Effective Date:	October 2, 2000
History:	Revised 3-28-01 add Sec. V
Reference:	
Pages:	8

I. Policy

The Sullivan County Correctional Facility will begin the operation of a cashless inmate banking-commissary system utilizing the Tennessee Business Enterprises (TBE) as the servicing agent and referred to as the agency..

II. Program

The commissary will operate by contract and in full compliance with all applicable laws governing a cashless inmate banking-commissary at all levels of government. By contract the commissary will fulfill the daily needs of the inmates confined in the jail. The contract will contain the following points at a minimum:

- A. The agency shall assign a licensed blind manager who will be responsible for the provision of the inmate commissary services. The Agency is solely responsible for selecting the licensed blind vendor and determining their qualifications, except that any candidate will be required to clear security requirements as set forth by the Sheriff before being predominately or temporarily assigned as manager of the commissary services. Likewise, the name of any individual being considered for employment in any aspect of the commissary will be submitted to the Sheriff for a background check and approval prior to employment.
- B. The licensed manager and any of his/her employees will be required to complete a two-day training program conducted by the Sheriff's Officers on jail security measures.
- C. The Agency shall require its licensed manager to provide commissary services to the inmates of the facility so as to provide each inmate with access to the commissary services at least twice per week in accordance with the standard operating procedures. Additional commissary access is subject to prior written approval by management.

D. With the exception of onsite computer hardware and software and support, as specified below, the commissary shall be operated from off premises locations not in Sullivan County. Commissary orders will be filled out by inmates on pre printed forms, provided by the licensed manager, which lists only those items available to inmates in the facility, and which indicates the price of each item. Order forms will be picked up by the TBE licensed manager and entered into the accounting system. Funds will be electronically deducted immediately, and the inmate will be given a notice of his/her new balance simultaneously with a receipt for the order. All orders will be filled and packaged at off-premises site located outside Sullivan County.

E. Completed orders shall be delivered in accordance with SOP. The licensed manager and/or his/her employee(s) shall deliver the orders to individual inmates in their housing units. Individual inmate commissary orders are to be delivered in clear plastic bags with tamper proof seals. There shall be two copies of the order receipt sealed within the bag. The receipt shall contain the following information:

1. Inmate name
2. Inmate location
3. Inmate ID number
4. Items and quantities ordered
5. Total of order
6. Beginning (pre-order) inmate account balance
7. Ending (post-order) inmate account balance
8. Signature lines for the inmate and the deliverer.

F. Items offered for sale through the commissary shall meet inmate needs for, food/snacks and beverages, clothing, stationary, games, and personal hygiene and care items, so that inmates are no longer dependant upon packages from family members for such items. Agency and management personnel will meet and agree upon items to be carried on the commissary menu, however, items containing alcohol or tobacco shall not be sold. In the event of disagreement, the decision of the facility managers shall be final. After the initial meeting, no items are to be offered without the written permission of the facility manager.

G. Management will have the option of purchasing from the licensed manager items for indigent inmates. The agency's licensed manager will sell these items to the facility at cost. The facility managers will decide what items will be made available to indigent inmates.

H. All containers shall be made of non-breakable materials. Food/snacks and beverages shall be individually packaged, and all perishables shall bear a use or sell by date. Expired products shall not be delivered to inmates.

I. The Agency's licensed manager shall maintain sufficient inventory levels at its warehouse(s) so that it has an order fill rate of ninety-eight percent (98%) or better. Items shall not be backordered.

J. The Correctional Facility shall retain items not delivered because the inmate was released prior to receiving the order. The agency (Blind Vendors) shall receive pay for all orders delivered.

K. The agency shall conduct a price comparison survey of the products it sells each year. The survey shall include one national chain drug store, one convenience market, and one national chain grocery store. Prices that inmates are charged for commissary items shall not exceed the average price for each product, as established by the survey, by more than ten percent (10%), and must be approved by management. Approval shall be granted as long as the standard is met. Accordingly, initial prices and any proposed price increase and supporting documentation of compliance with the pricing standard shall be submitted to Management for approval prior to implementation.

L. The agency shall subcontract or otherwise enter into an agreement with Aramark for computerized inmate trust fund accounting system including hardware, software, and technical and operational assistance, including maintenance and updates of the hardware and software, and trainers for the user employees of management. The Accounting System and support shall meet the minimum requirements set forth below:

1. networked, PC based inmate banking system that ties together all jail facilities in a live environment and that can be linked to the computerized jail management system when it comes on line;
2. records identified by inmate name, ID number, and other identifiers as deemed necessary;
3. inmate & release population tracking;
4. account balance maintained up to the minute, with remote check writing capabilities twenty-four (24) hours per day, and restrictions applied to purchases without sufficient funds;

5. An indigent minimum limit of ten dollars (\$10) will be applied and will automatically be indicated when this minimum is reached.

6. inmate account management for work release

7. automatic deductions for the judicial system and support costs assessed to the inmate

8. accounting reports for specified periods

9. inmate purchase restrictions by quantity, date, custody level, and disciplinary/indigent status

10. online instant access to all inmate sales information and account balances

11. on demand generation of reports and sales analysis

12. production and printing of checks and deposit slips

13. ability to manage inmate co-payments for services provided, such as health care, program, jail fees, admission kits, etc.

14. system security

15. all hardware and software to support commissary and account system

M. Agency, through Aramark, shall make service providers for the Accounting System (hardware and software) available twenty-four (24) hours per day, seven (7) days per week, to maintain the System.

N. Management will assess a two dollar (\$2.00) for processing commissary transactions for inmates.

O. Agency agrees to comply with any applicable federal, state, and local laws and regulations and shall require its licensed manager to do likewise.

P. The agency's licensed manager shall maintain documentation for all charges against management. The books, records, and documents of Agency, insofar as they relate to work performed or money received under the permit, shall be maintained for a period of three (3) full years from the date of final payment and will be subject to audit, at any reasonable time and upon reasonable notice by management or its duly appointed representatives. The records shall be maintained in accordance with generally accepted accounting principles.

Q. Agency shall require its licensed manager to maintain comprehensive general liability insurance and product liability insurance with limits of not less than one million dollars (\$1,000,000) per claim and five million dollars (\$5,000,000) annually. A certificate of insurance evidencing said coverage shall be provided to

Management prior to commencement of performance of this permit.

R. The Agency shall require that each of its licensed blind vendors assigned to provide services under this agreement indemnify and hold harmless management, its officers, agents and employees from:

1. Any claims, damages, costs and attorney fees for injuries or damages arising, in part or in whole, from the negligent or intentional acts or omissions of the licensed manager, its officers, employees and/or agents, including its sub or independent contractors, in connection with the performance of the permit and,
2. Any claims, damages, penalties, costs and attorney fees arising from any failure of the licensed manager, its officers, employees and/or agents, including its sub or independent contractors, to observe applicable laws, including, but not limited to, labor laws and minimum wage laws.

S. No person on the ground of disability, race, national origin, age, sex or religion, will be excluded from participation in, or be denied benefits of, or be otherwise subjected to discrimination in the performance of this agreement or in the employment practices of the Sheriffs, Personnel, the licensed manager, or Management.

T. No member of or delegate to Congress or Resident Commissioner or any employee of Management or of the State of Tennessee shall be admitted to any share or part of this permit or to any benefit that may arise therefrom, except as may be specifically provided by written addendum attached hereto.

U. This Agreement shall remain in effect until terminated by either Management or Agency upon sixty (60) days written notice.

III. OPERATION

A. Procedures

1. All persons affiliated with the commissary operations will enter the jail through the sallyport entrance when delivering orders or through the jail lobby entrance as directed.

2. Corrections officers will search all entering vendor(s) and/or personnel affiliated with the commissary operation.

3. A commissary ordering and delivery schedule and ordering forms furnished by the vendors will be available to inmates at the Sullivan County Correctional Facility for the purpose of ordering commissary items.

4. The officers working housing will make the ordering forms available to inmates when they are placed in housing and at times as needed to place timely orders.

5. Each inmate in good standing will be allowed to place a commissary order at least weekly.

6. Each inmate will be allowed to order items not to exceed a total dollar amount of fifty dollars (\$50) per week.

7. Items too large or too numerous for the tub or basket issued to each inmate for the purpose of storage of purchased items will be considered contraband.

8. Commissary order forms will be delivered to inmate housing guard station on Monday and Friday of each week.

9. Housing officers will deliver the order forms to the bay trustee upon receipt.

10. It will be the responsibility of the inmate to return the completed order form to the bay trustee who will pass it to the issuing housing officer.

11. Only one form will be completed by each inmate. Duplicate forms for the same inmate will not be filled.

12. The forms will be back to the housing officers guard station and ready for collection by the commissary vendor no later than one (4:00) P.M. Sundays and Tuesdays at 4:00 PM.

13. Orders are delivered the following Tuesday and Thursdays from 6 PM to 10 PM.

14. The commissary vendors, accompanied by a correctional facility guard, will deliver the ordered items to each

inmate. Delivery will occur personally in the day area by a prescribed procedure designed to expedite the process.

15. All ordered items will be delivered to each inmate sealed in a clear, airtight plastic bag with a receipt sealed inside or attached.
16. The commissary vendors must verify the order and receipt with the inmates.
17. The delivering vendors will be responsible for removing all delivered products from the sealed plastic bags and placing the items in the inmates furnished baskets.
18. The vendor will be responsible for recovering all plastic wrappers and containers and properly disposing of them outside the facility.
19. Commissary vendors will report to the jail lobby and announce their arrival. Officers assigned to station "A" will open the sallyport door and assist the vendor in gaining entry into the facility.
20. All deliveries to the annex will be processed in the hallway in front of the cell area.
21. When the items have been delivered the escorting officer will guide the vendors from the facility and secure all doors.
22. Vendors must receive prior background checks, clearance and possess an official photo ID tag to be admitted to the facility.
23. All vendors will receive pre-admittance training in security measures and conduct cautions prior to being cleared for admittance.

B. Order misplacement or problems

1. All inmate commissary grievances will be submitted to the commissary officer in writing not later than two days following the discovery of the problem.
2. The commissary officer will review and maintain a copy of the grievance and will submit the grievance to the Commissary Vendor.

3. The Commissary Vendor will review and answer the grievance within seven (7) days. A copy of the reply must be forwarded to the commissary officer.

4. The commissary officer will attach it to the original complaint.

C. Computer Tracking System

A computer tracking system will be established and installed by ARAMARK Company. The system will consist of hardware, software and appropriate personnel training and operators to manage the commissary as follows:

1. Provide a trust fund accounting system adhering to Generally-Accepted Accounting Principles (GAAP) and which is approved by and capable of being audited by the Sullivan County Sheriff's Office Director of Finance and State Auditors.
2. The vendor shall have an active, real-time interface with the existing Jail Management System (JMS) or "Vision" software to reduce data entry and to insure that data in the ITF/Commissary software matches data displayed in the JMS software.
3. The computer system must include the following components:
 - a. Transfer from JMS to data to open an account in the inmate trust fund (ITF) for an inmate at the time of booking and to enter into the computer system the amount of money in their possession at the time of booking.
 - b. Allow for the following transactions to occur on the ITF:
 - Add funds to the account
 - Draw funds from the account in the form of a check
 - Close an account with a detailed statement and pay the inmates balance by check.

- Deduct commissary and other charges in a real-time environment.
 - Process credit
 - Indigent tracking program
 - Cash bonds
- c. Allow for the vendor to file orders manually when necessary.
4. Track inmate housing locations as they change in the JMS software and update the ITF software accordingly, without operator's intervention via the real-time interface.
 5. Accept the inmate number as a permanent identification number for an inmate's ITF account which will allow an account to be reopened.
 6. Have the capability of searching files by name, identification number, or Master ID Number.
 7. Accept information from the JMS to control commissary purchases with restrictions or notations
 - a. Medical
 - b. Gender
 - c. Age
 - d. Disciplinary controls
 - e. Indigent status
 - f. Purchase amount balances
 - g. Fees assessed
 8. Provide a complete and searchable audit trail on all transactions. It must allow for scheduled and unannounced audits for the inmate accounts by the Sheriff's Personnel and state auditors to ensure the integrity and accuracy of the accounts.
 9. The system will have programming to allow it to identify inmate trust funds with negative balances and have a program to allow the allocation of money from accounts to cover negative balances as requested for medical co pay, meals, commissary, vandalism restitution, etc.
 10. The system will provide for unattended daily backup of Inmate Accounting System.
 11. The system will have multi-facility handling capabilities to cover the annex and or any other need.
 12. The system will provide a series of reports specified by the sheriff, which will include detailed annual, monthly, weekly, and daily reports and cash reconciliation capabilities.
 13. The system will have comprehensive checkbook management features which include the ability to write a check from the inmate's ITF to a third party, a check from the general fund to a vendor, to void, make documented corrections, adding manually-written checks, verifications and deposits.
 14. The system will have the capability to print a check registry, based upon multiple criteria, which can be queried by the Sheriff's personnel.
 15. The system will be able to track historic incarcerations for the same inmate via account reactivation based upon the inmate number.
 16. The system will be able to release an inmate with an outstanding balance (positive or negative) by closing the account for an inmate released through the jail management system (Vision) from the inmate trust fund automatically without additional transactions in the ITF.
 17. The system will keep a discharged inmate's summary record on line in a history file for at least two (2) years.
 18. The system will have the capability of charging inmate's account for non-commissary items such as Work Release, meals, boardbill, medical, transportation, funerals, haircuts and damage to property should the Correctional Facility desire to make such charges.
 19. The system will post on a daily basis, room and board charges for work release inmates.

20. The system will maintain a check register printed on three part NCR paper which will generate receipts.
21. The system will be able to credit an inmate's order when orders are not delivered.
22. The contractor shall provide the sheriff's office with an Inmate Accounting System uptime and availability rate of 99.8% or greater.
23. There will be a tiered password security system, which will control the amount of access each user will have to the ITF. The Major shall have the authority to limit users to entry only, view only, edit and delete data based on their security and access rights.
24. Updates to the software will be provided at no cost to the Sheriff and will be free of charge and verifiable for the length of the contract. A call time on request for support shall not exceed one hour for call back and twelve hours for repairs to the system.
25. Screen presentation will be in color.
26. Software will be a relational database program to facilitate in-house data searches via Ad-Hoc query tools. The system will have the capability to operate on the Ether net NT network environment.
27. The vendor will furnish all hardware for the operation of the commissary.
28. All stored data is the sole property of the Sullivan county Sheriff's Office and remains with the Sheriff whether or not the contract is continued or renewed.

IV. Cash Control System

1. The inmate trust fund will accept only U.S. postal money orders for deposit into inmate fund accounts.
2. Money orders must be delivered to the Sullivan County Jail lobby and be placed in the money order deposit box provided or be mailed to the inmate at P.O. Box 610, Blountville, TN. 37617.
3. The amount of the money order will be entered into the computer and the

inmate's account at the time it is received by the commissary officer.

4. Two computer generated copies of consecutively numbered receipts will be generated by the system. One will be sent to the inmate and the other deposited into the cash box with the money order.
5. At 8:00 AM every weekday morning the Commissary Officer will remove the money and money orders from the locked cash container and balance the receipts against the money orders and cash records. The Commissary Officer will then make the deposit in to the inmate trust fund at the proper banking institution.
6. The commissary officer will generate such reports as deemed necessary by authorities checking and auditing the system.
7. Cash mailed to or offered for deposit into the inmates account will be rejected and returned to the person offering the cash.
8. Postal Money Orders received through the mail will be deposited into the inmate account whose name appears on the money order as follows:
 - The inmate has an account open or is eligible for an account;
 - The inmate does not have over the maximum amount allowed (\$200) in the account and the money order is less than \$200 dollars and/or does not raise the existing account above that maximum.
 - Money orders that are not postal money orders and/or violates the maximum amount rule will be returned to the sender, if known. In exceptional cases where the money order cannot be returned to the sender it will be deposited into the account of the inmate. The inmate will then be notified that that account is over the limit and to cease requesting or making deposits until the account has been reduced to the accepted level.

9. Cash entering the facility in the possession of arrested persons and discovered during the booking process will be properly counted and that amount credited to the inmates trust fund account the following working day. Two copies of the receipt will be generated and one will stay with the cash in a sealed envelope dropped into the cash container and the other will go to the inmate.
10. Inmates being discharged from the facility will be given an account balance statement and positive balances will be depleted according to policy on pay out of inmate funds.
11. There will be four authorized signatures for checks drawn on the Inmate Trust Fund. The Sheriff, the Corrections Major, the Corrections Captain, and Training Lieutenant will be authorized to write checks on the inmate account.
12. Departing inmates who have completed their sentences or are being transferred to other institutions will receive a check for the amount of the value of their Inmate Account less any adjustment as approved and according to policy.
13. Inmates released after normal business hours must return to the facility on a week day between the hours of 8 Am and 4 PM to receive a check for the amount of their trust fund account.
14. Cash will not be used as an account closing method.
15. All transactions will be reported and accounted for as described in this policy.

V. ACCOUNTING AND GENERAL LEDGER

A. Segregation and General Ledger

In order to ensure nothing in the operation conflicts with good accounting principals, tasks concerning accounting principals will be as follows:

1. Commissary Officer or Administrative Sergeant- These officers will make all commissary funds deposits and functions as the systems operator.

2. Check signers - The Sheriff, Jail Major and Jail Captain and one designated Lieutenant are the only persons authorized to sign checks drawn on the inmate commissary account.
3. Agency Finance Director - The agency director of Finance will reconcile the bank account and general ledger.

B. Receipts and Deposits

Facility Standard Operating Procedure 3.1.14 defines the methodology of inmate cash control and money order control system. Deposits will occur in compliance with the state auditor three (3) day deposit rule. Receipts and deposit slips will be verified and retained in the office of the agency's director of finance.

C. Checks

Prepared blank checks will be filled out daily to liquidate each departing inmates account with the commissary. General ledger checks will be completed weekly.

D. General Ledger

All receipts and checks will be logged monthly in total by the agency director of finance who will offer supporting detail and keep available for each month for a period of ten years in keeping with TCA 10-7-404. Receipts and checks will be numbered in series that allows proper accounting principals to be applied. The bank account will be reconciled monthly to match the system inmate balance and general ledger reports.

E. Records Maintenance

The director of finance will maintain general ledger records, including check copies, receipts, and bank statements and will have them available for audit upon demand.

So ordered this the 28 th day of March,

2001

 J. Wayne Anderson, Sheriff

ATTACHMENT B

STATE OF TENNESSEE)
COUNTY OF SULLIVAN)

INDEMNIFICATION AND HOLD HARMLESS

I, Missy Hammons, am a licensed blind manager assigned by Tennessee Business Enterprises, a division of the Tennessee Department of Human Services, to provide jail commissary and related services for ~~Sevier~~ ^{Sullivan} County, Tennessee. I hereby agree to indemnify and hold harmless ~~Sevier~~ ^{Sullivan} County, its officers, agents and employees from:

1. Any claims, liability, loss, damages, costs and attorney fees for injuries or damages arising, in part or in whole, from the negligent or intentional acts or omissions of myself, my officers, employees and/or agents, including my sub or independent contractors, in connection with the provision of jail commissary and related services for ~~Sevier~~ ^{Sullivan} County, and,
2. Any claims, liability, loss, damages, penalties, costs and attorney fees arising from any failure of me, my officers, employees and/or agents, including my sub or independent contractors, to observe applicable laws, including, but not limited to, labor laws and minimum wage laws.

X Missy Hammons
Signature

Missy Hammons
(Print Name)

Sworn to and subscribed before me, a notary public, on this 4th day of August, 2003

Barbara Livingston
Notary Public

My Commission Expires: 7-27-05

Sullivan County, Tennessee
Board of County Commissioners

Item 7,
Budget
No. 2003-09-95

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 15th day of September 2003.

RESOLUTION Accepting Grant Funds for THDA HOME Program

WHEREAS, on April 21, 2003, the Board of Sullivan County Commissioners approved Resolution No. 2003-04-38 to submit an application for the 2003 HOME Program through the Tennessee Housing Development Agency; and,

WHEREAS, said funds have been awarded in the amount of \$266,790.00;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves accepting grant funds in the amount of \$266,790.00 from the Tennessee Housing Development Agency subject to the Commission's approval and adoption of the rules and policies of the HOME program. Account Codes to be assigned by the Director of Accounts and Budgets.

WAIVER OF THE RULES REQUESTED

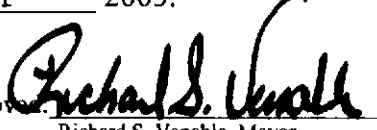
All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 15th day of September 2003.

Attested:

 9/15/03
Jeanie F. Gammon, County Clerk Date

Approved:

 9/15/03
Richard S. Venable, Mayor Date

Introduced By Commissioner: Crawford

Seconded By Commissioner(s): Patrick, Herron

2003-09-95	Administrative	Budget	Executive	County Commission
ACTION				Approved 09-15-03

22 Aye, 2 absent

Comments:

Sullivan County, Tennessee
Board of County Commissioners

Item 8
Executive
No. 2003-09-96

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 15th day of September 2003.

RESOLUTION Authorizing Traffic Sign Changes in the 13th Civil District

WHEREAS, the Sullivan County Highway Department has recommended the following traffic sign change be made in the 13th Civil District (8th Commission District).

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

13th Civil District (8th Commission District)

To place a NO PARKING AT ANYTIME sign on Ansley Street

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

Duly passed and approved this 15th day of September 2003.

Attested: Jeanie F. Gammon 9/15/03 Approved: Richard S. Venable 9/15/03
Jeanie F. Gammon, County Clerk Date Richard S. Venable, Mayor Date

Introduced By Commissioner: Conkin

Seconded By Commissioner(s): Williams

2003-09-96	Administrative	Budget	Executive	County Commission
ACTION				Approved 09-15-03 22 Aye, 2 Absent

Comments: Waiver of rules requested.

**SULLIVAN COUNTY
HIGHWAY DEPARTMENT**

P.O. BOX 590
BLOUNTVILLE, TENNESSEE 37617

John R. LeSueur, Jr.
Commissioner of Highways

(423) 279-2820
FAX (423) 279-2876

September 15, 2003

COMMISSIONERS: Ray Conkin
Eddie Williams

Dear Commissioners:

I would like to request that you consider passing the following resolution:

To place a NO PARKING AT ANYTIME sign on Ansley St.

Request made by Commissioner Ray Conkin.

This is in the 13th Civil District and 8th Commissioner District.

If you have any questions, please feel free to contact me.

Sincerely,



Rufus Cooper
Traffic Coordinator

RC/jb

c: ~~XXXXXXXXXX~~

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON
MOTION MADE BY COMM. HARR TO MEET AGAIN IN REGULAR
SESSION OCTOBER 20, 2003.

A handwritten signature in black ink, reading "Richard Venable". The signature is written in a cursive style with a large, looping initial "R".

RICHARD VENABLE

COMMISSION CHAIRMAN