

COUNTY COMMISSION - REGULAR SESSION

SEPTEMBER 21, 1998

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, SEPTEMBER 21, 1998, 9:00 A.M., IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE O. W. FERGUSON, JUDGE PRO-TEM, JEANIE F. GAMMON, COUNTY CLERK AND WAYNE ANDERSON, SHERIFF OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by Judge Pro-Tem, O. W. Ferguson. Sheriff Wayne anderson opened the Commission and Commissioner James L. King, Jr. gave the invocation. Pledge to the flag was led by Judge Pro-Tem, O. W. Ferguson.

Commissioners present and answering roll call are as follows:

- | | |
|------------------|---------------------|
| CAROL J. BELCHER | JAMES "BUDDY" KING |
| JAMES R. BLALOCK | JAMES L. KING, JR. |
| BRYAN K. BOYD | DWIGHT MASON |
| JUNE CARTER | GARY MAYES |
| FRED CHILDRESS | WAYNE MCCONNELL |
| O. W. FERGUSON | PAUL MILHORN |
| MIKE GONCE | RANDY MORRELL |
| RALPH P. HARR | HOWARD PATRICK |
| DENNIS HOUSER | ARCHIE PIERCE |
| MARVIN HYATT | MICHAEL B. SURGENOR |
| SAMUEL JONES | MARK A. VANCE |
| ELLIOTT KILGORE | EDDIE WILLIAMS |

Motion was made by Commissioner Harr and seconded by Commissioner Morrell to approve the minutes of the Regular Session of County Commission held on August 17, 1998. Motion was approved by voice vote. Also included and approved were the minuted from Aug. 27, 1998.

In the Public Comments session of County Commission those addressing the Commission were: Regina Isenberg, Mary Geiger, Thomas Cuthill, Roy Henard, and Bobby Goodson.

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

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 1998.

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

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September 1998.

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

WHEREAS, Such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution;

NOW THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners consider the attached rezoning petitions and vote upon the proposed amendments, individually or otherwise at the discretion of the Commission, by roll call vote and that the vote be valid and binding and that any necessary amendments to the official zoning map be made so.

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

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

Duly passed and approved this 21 day of September 1998

Attested Jeanne J. Gannon Date 9/21/98 _____ Date: _____
County Executive

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call					
Voice Vote	x				

COMMENTS: Motion by Comm. Harr and seconded by Comm. Morrell to approve APPROVED 9/21/98 VOICE VOTE

PUBLIC NOTICE
SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS

The Sullivan County Board of County Commissioners will hold a public hearing on Monday, September 21, 1998 at 9:00 A.M. in the Sullivan County Courthouse, Blountville, TN to consider the following requests:

- (1) Consider a request by Ruth Cressell to rezone a tract of land located in the 6th Civil District on the north side of Overhill Dr. approximately 2800 feet east of its intersection with S.R. 126 from R-1 to B-4 to permit the location of an amusement business-paint guns.
- (2) Consider a request by Jackie Snyder to rezone a tract of land located in the 3rd Civil District on the west side of Harrington Hollow approximately 800 feet north of its intersection with Weaver Pike from R-1 to R-2 to permit the location of a single-wide mobile home.
- (3) Consider a request by Phillip Rust to rezone a tract of land located in the 4th Civil District on the south side of White Top Rd. approximately 2000 feet east of its intersection with Brookside Circle from A-1 to R-3 to permit the location of a mobile home park.
- (4) Consider a request by Bill Poole to rezone a tract of land located in the 2nd Civil District on the north side of Valley Pike Road at its intersection with Old Jonesboro Road from A-1 to R-3A to permit the location of condominiums.
- (5) Consider a request by Carl Powell to rezone a tract of land located in the 10th Civil District on the west side of Crystal View St. approximately 800 feet north of its intersection with Bentley St. from R-3A to R-2 to permit the location of a single-wide mobile home.
- (6) Consider a request by Nancy Cross to rezone a tract of land located in the 15th Civil District on the west side of Bays Mountain Trail approximately 2800 feet north of its intersection with Reservoir Road from R-1 to R-2 to permit the location of a single-wide mobile home.
- (7) Consider a request by G.K. Finch to rezone a tract of land located in the 14th Civil District on the east side of S.R. 36 at its intersection with Jackson Hollow Road from PBD-3 to B-3 to permit the location of commercial use.
- (8) Consider amendment of Article VI Section 616.5.1 of the Sullivan County Zoning Resolution to allow parking on review within the required 25 foot planned district setback.

Consider amendment of the Sullivan County Zoning Resolution Article VI Section 616.5.1 by the addition of the following sentence to the end of section 616.5.1: With approval of the planning commission parking may be permitted within seven and one-half (7 1/2) feet of any new property line created by subdivision of the tract.

The public is cordially invited to attend this public hearing and comment upon any rezoning request. For more information, please call 323-6440.

SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS
September 21, 1998

Consider the following:

- (1) **File # 7/98-2** A request by Ruth Cressell to rezone the property described below from R-1 to B-4:

REQUEST APPROVED 9/21/98 ROLL CALL 21 AYE, 3 NAY
 "Being a tract of land located in the 6th Civil District on the north side of Overhill Dr. approximately 2800 feet east of its intersection with S.R. 126 and further described as the northernmost 280 foot portion of parcel 63.00 measured parallel to Overhill Dr. map 49 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 7/98-2, Ruth Cressell Request

Ruth Cressell requested that a tract of land located in the 6th Civil District on the north side of Overhill Dr. approximately 2800 feet east of its intersection with S.R. 126 be rezoned from R-1 to B-4 to permit the location of an amusement business-paint guns.

The applicant was present. Mike Warden and other area residents spoke in opposition to the request stating that the proposed use was disruptive to the neighborhood and would have a negative impact on the livability of the residential area. Staff noted that the requested zoning would be intrusive in the residential area and that it was incompatible with predominate zoning and land use patterns. Staff recommended the request be denied.

Motion Brown, second Harold Barnes to deny the request. Vote in favor of the motion: Brown, Harold Barnes, Hickam, Mullins; vote opposed: Belcher. The motion carried 4 to 1.

- (2) **File # 7/98-8** A request by Jackie Snyder to rezone the property described below from R-1 to R-2:

REQUEST DENIED 9/21/98 ROLL CALL 12 AYE, 9 NAY, 3 PASS
 "Being a tract of land located in the 3rd Civil District on the west side of Harrington Hollow approximately 800 feet north of its intersection with Weaver Pike and further described as the southernmost 292.70 foot portion of parcel 204.00 measured parallel to Harrington Hollow Rd. map 83 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File no. 7/98-8 Jackie Snyder Request

Jackie Snyder requested that a tract of land located in the 3rd Civil District on the west side of Harrington Hollow approximately 800 feet north of its intersection with Weaver Pike be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

The applicant was present. Jack Hyder, attorney for area resident Betty Harrington spoke in opposition stating that the proposed zoning would have a negative impact on Ms. Harrington's property across the street. Staff stated that the proposed zoning would be intrusive and incompatible with zoning and land use patterns in the immediate area and recommended the request be denied.

Motion Brown, second Harold Barnes to deny the request. Vote in favor of the motion Brown, Harold Barnes, Blecher, Hickam; opposed: none; abstain: Mullins. The motion carried 4 to 0 with 1 abstention.

- (3) **File # 7/98-11** A request by Phillip Rust to rezone the property described below from A-1 to R-3:

REQUEST DENIED 9/21/98 ROLL CALL 2 AYE, 20 NAY, 2 PASS

"Being a tract of land located in the 4th Civil District on the south side of White Top Rd. approximately 2000 feet east of its intersection with Brookside Circle and further described as parcel 3.00 map 83 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 7/98-11, Phillip Rust Request

Phillip Rust requested that a tract of land located in the 4th Civil District on the south side of White Top Rd. approximately 2000 feet east of its intersection with Brookside Circle be rezoned from A-1 to R-3 to permit the location of a mobile home park.

The applicant was present and spoke in support of the request. Charles Phelps, Jim Holcom spoke in opposition to the request and presented a 45 signature petition of area residents pointing out that the proposed high density zoning would lead to the creation of water pollution and dangerous traffic problems and would negatively impact the livability of the residential neighborhood. Staff stated the request would be intrusive and incompatible with zoning and established land use patterns and recommended it be denied.

Motion Harold Barnes second Mullins to approve the request. Vote in favor of the motion: Harold Barnes, Mullins, Brown; opposed: Greene; abstain: Hickam, Belcher. The motion failed 3 to 1 with 2 abstentions. The rezoning was not approved.

(4) **File # 8/98-1** A request by Bill Poole to rezone the property described below from A-1 to R-3A:
REQUEST APPROVED ROLL CALL 24 AYE

"Being a tract of land located in the 2nd Civil District on the north side of Valley Pike Road at its intersection with Old Jonesboro Road and further described as parcel 1.00 group C map 38C of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/98-1, Bill Poole Request

Bill Poole requested that a tract of land located in the 2nd Civil District on the north side of Valley Pike Road at its intersection with Old Jonesboro Road be rezoned from A-1 to R-3A to permit the location of condominiums.

The applicant was present. No opposition was presented. Staff stated the request was compatible with existing zoning and land use and recommended approval.

Motion Belcher, second H. Barnes to approve the request. Vote in favor of the motion: Belcher, H. Barnes, Hickam, S. Barnes, Mullins, Childress, Boggs; vote opposed: Brown. The motion carried 7 to 1.

(5) **File # 8/98-4** A request by Carl Powell to rezone the property described below from R-3A to R-2:
REQUEST APPROVED ROLL CALL 24 AYE

"Being a tract of land located in the 10th Civil District on the west side of Crystal View St. approximately 800 feet north of its intersection with Bentley St and further described as parcel 19.00 group A map 14J of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/98-4, Carl Powell Request

Carl Powell requested that a tract of land located in the 10th Civil District on the west side of Crystal View St. approximately 800 feet north of its intersection with Bentley St. be rezoned from R-3A to R-2 to permit the location of a single-wide mobile home.

The applicant was present. No opposition was presented. Staff stated the request was compatible with existing zoning and land use and recommended approval.

Motion Hickam, second Childress to approve the request. Vote in favor of the motion unanimous.

(6) **File # 8/98-6** A request by Nancy Cross to rezone the property described below from R-1 to R-2:

REQUEST DENIED ROLL CALL 1 AYE, 23 NAY

"Being a tract of land located in the 15th Civil District on the west side of Bays Mountain Trail approximately 2800 feet north of its intersection with Reservoir Road and further described as parcel 3.50 map 89 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/98-6, Nancy Cross Request

Nancy Cross requested that a tract of land located in the 15th Civil District on the west side of Bays Mountain Trail approximately 2800 feet north of its intersection with Reservoir Road be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

The applicant was present. Tony Brag spoke in opposition and presented a 24 name petition stating the request incompatible with existing residential development. Staff stated the request would be intrusive and not compatible with existing zoning and land use and recommended it be denied.

Motion Childress, second S. Barnes to deny the request. Vote in favor of the motion: Childress, S. Barnes, Boggs, H. Barnes; opposed Belcher, Hickam, Brown, abstain: Mullins. The motion failed 4 to 3 with 1 abstention.

(7) **File # 8/98-7** A request by G.K. Finch to rezone the property described below from PBD-3 to B-3:

REQUEST APPROVED ROLL CALL 19 AYE, 5 NAY

"Being a tract of land located in the 14th Civil District on the east side of S.R. 36 at its intersection with Jackson Hollow Road and further described as parcel 149.00 map 107 of the Sullivan County Tax Maps."

The Planning Commission took the following action:

" File No. 8/98-7, G.K. Finch Request

G.K. Finch requested that a tract of land located in the 14th Civil District on the east side of S.R. 36 at its intersection with Jackson Hollow Road be rezoned from PBD-3 to B-3 to permit the location of commercial use.

The applicant and Jeff Begley were present and spoke. No opposition was presented. Staff stated that the current zoning requiring site plan review was appropriate and compatible with existing zoning and land use and recommended the request be denied.

Motion Mullins, second Childress, to approve the request in order to allow more flexible development of the site. Vote in favor of the motion: Mullins, Childress, Barnes, Boggs, H. Barnes, Hickam, Belcher. Opposed: Brown. The motion carried 7 to 1.

- (8) Consider amendment of Article VI Section 616.5.1. of the Sullivan County Zoning Resolution to allow parking on review within the required 25 foot planned district setback.

APPROVED ROLL CALL 21 AYE, 3 NAY

Consider amendment of the Sullivan County Zoning Resolution Article VI Section 616.5.1 by the addition of the following sentence to the end of section 616.5.1: With approval of the planning commission parking may be permitted within seven and one-half (7 1/2) feet of any new property line created by subdivision of the tract.

The Planning Commission took the following action:

Consider amendment of Article VI Section 616.5.1. of the Sullivan County Zoning Resolution to allow parking on review within the required 25 foot planned district setback.

Consider amendment of the Sullivan County Zoning Resolution Article VI Section 616.5.1 by the addition of the following sentence to the end of section 616.5.1: With approval of the planning commission parking may be permitted within seven and one-half (7 1/2) feet of any new property line created by subdivision of the tract.

Commissioner and staff discussed the proposed amendment.

Motion Mullins, second Brown to approve the proposed amendment. Vote in favor of the motion: Mullins, Brown, Hickam, Green; opposed: Harold Barnes, Belcher. The motion carried 4 to 2.

270

REZONING REQUEST

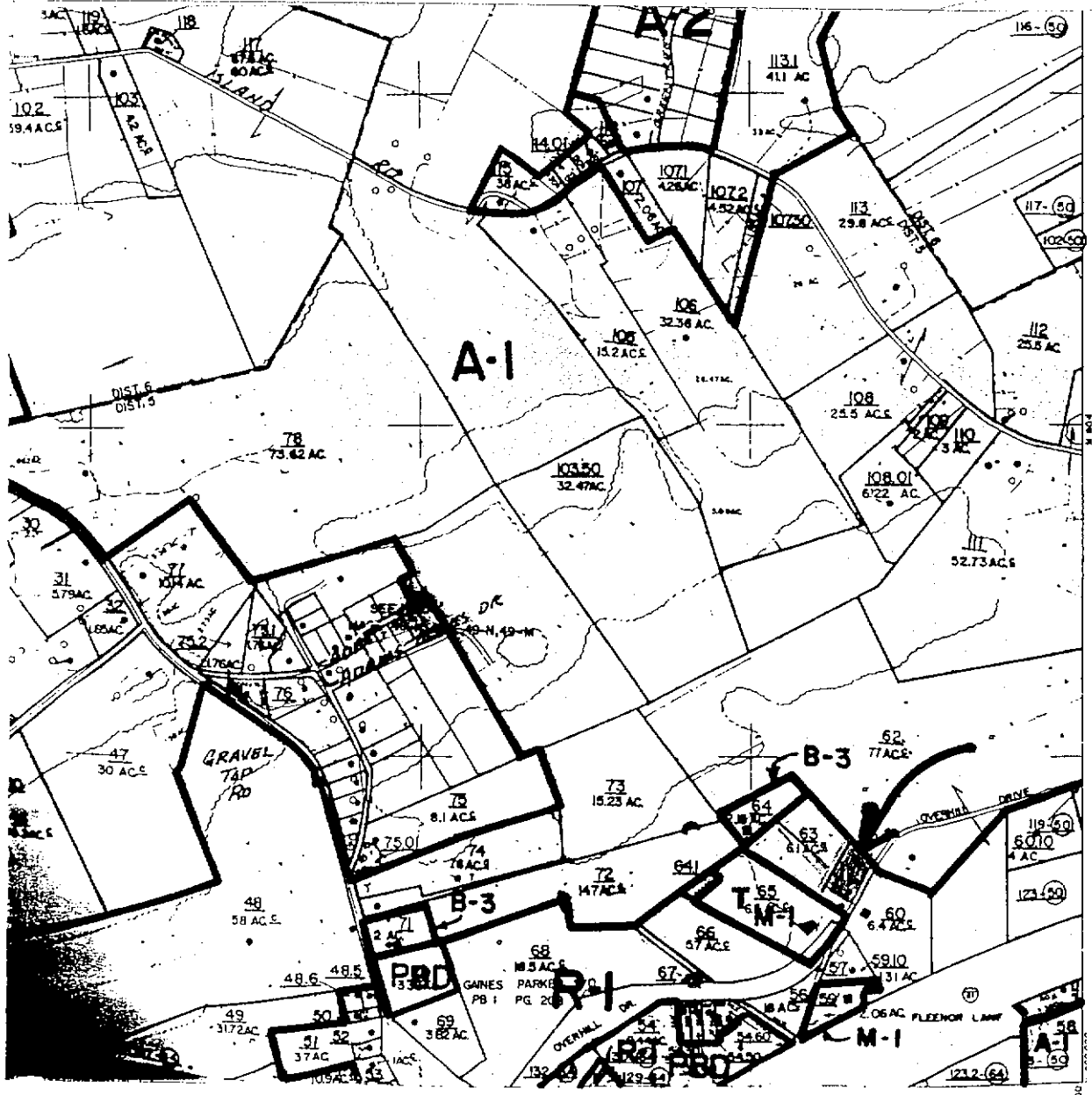
Sullivan County, Tennessee
From R-1 To B-4

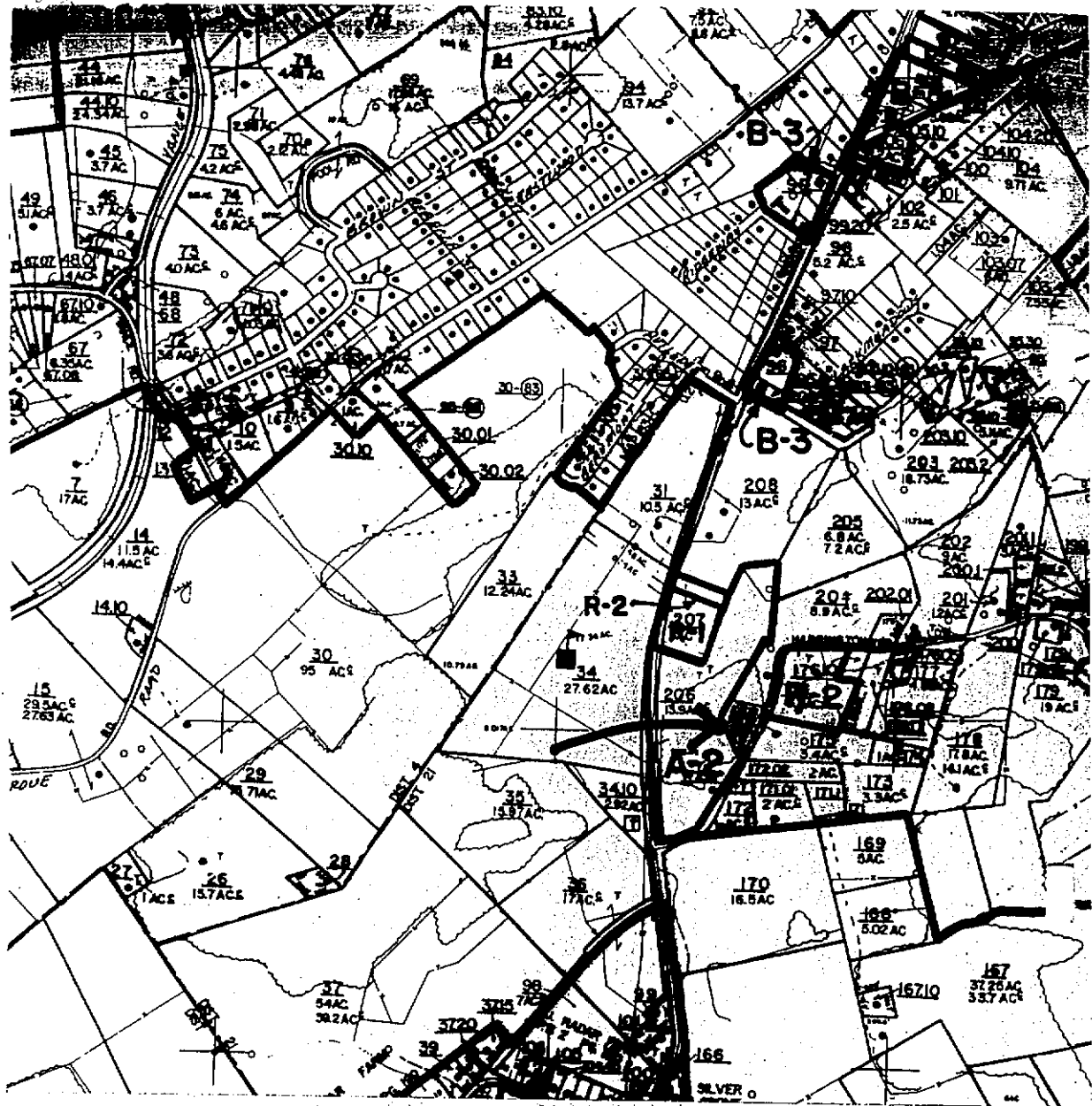
1" = 800'
Scale

Lot Size: 200 x 240 feet
Civil District: 6

July 21, 1998

File # 7/98-2





REZONING REQUEST
 Sullivan County, Tennessee
 From R-1 To R-2

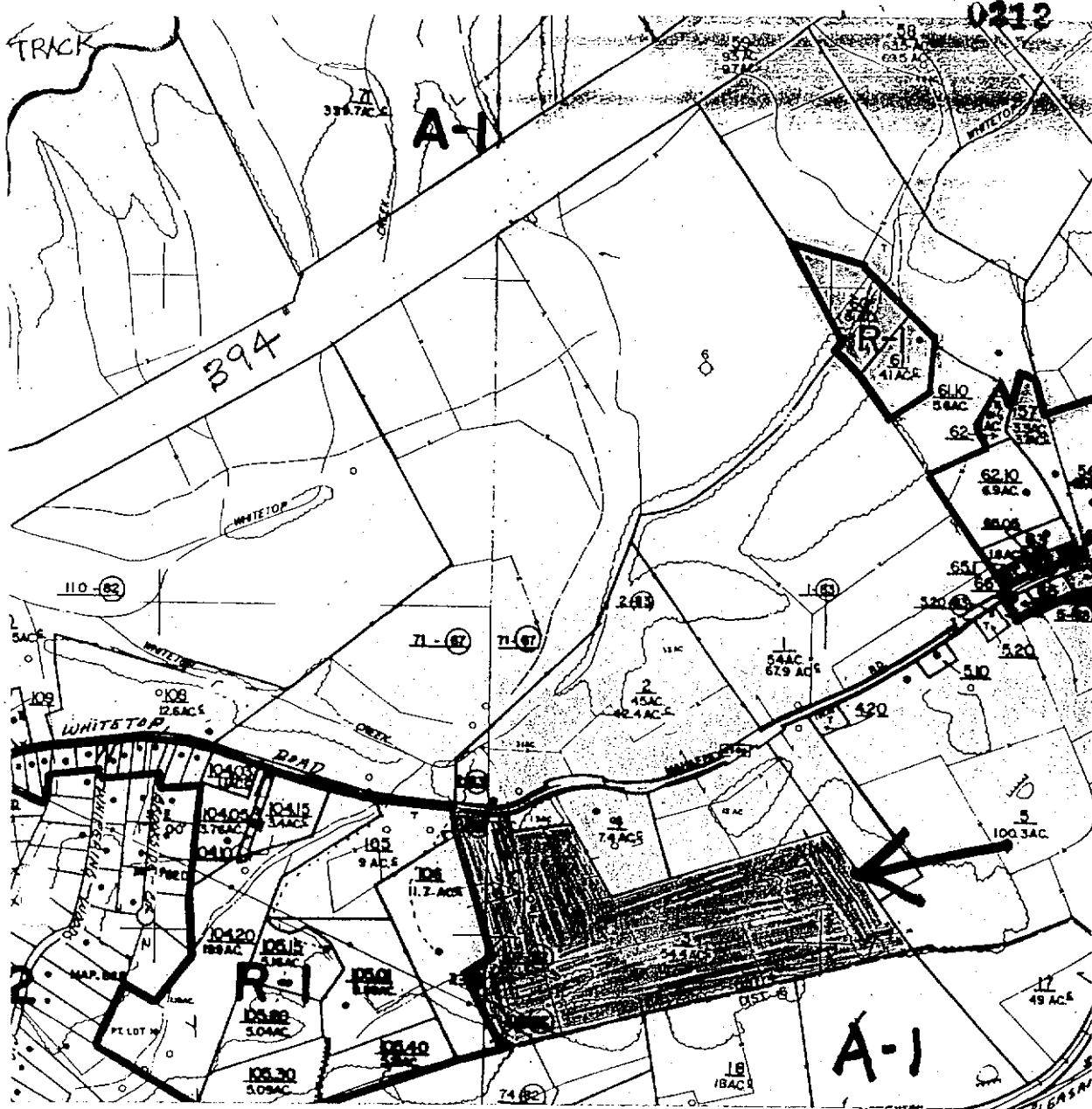
1" = 800'
 Scale

Lot Size: 1 acre
 Civil District: 3



July 21 1998

File # 7/98-8



REZONING REQUEST
 Sullivan County, Tennessee
 From A-1 To R-3

1" = 800'
 Scale

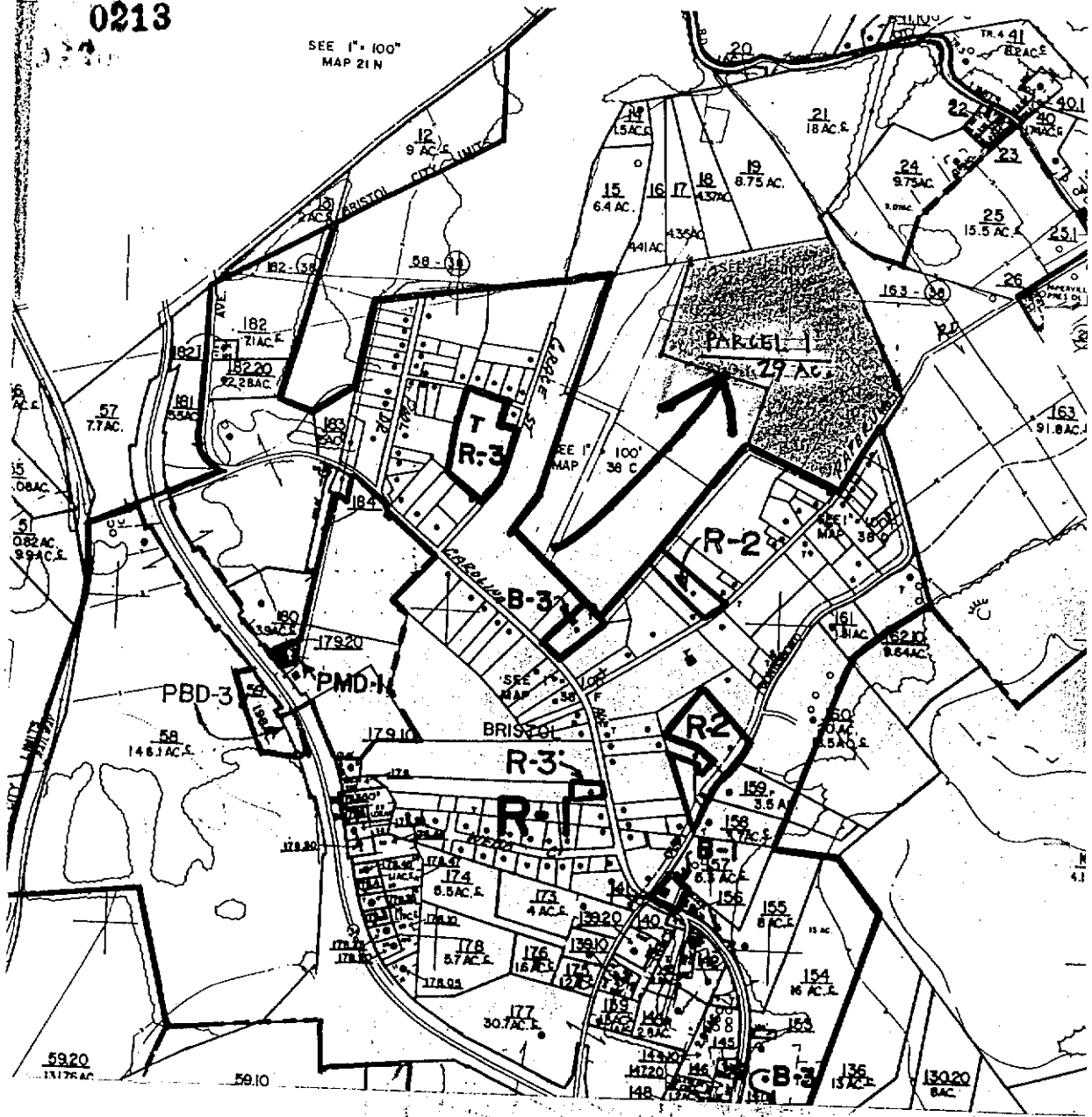
Lot Size: 54.4 acres
 Civil District: 4



July 21, 1998
 File # 7/98-11

0213

SEE 1" = 100"
MAP 21 N



REZONING REQUEST
 Sullivan County, Tennessee
 From A-1 To R-3A

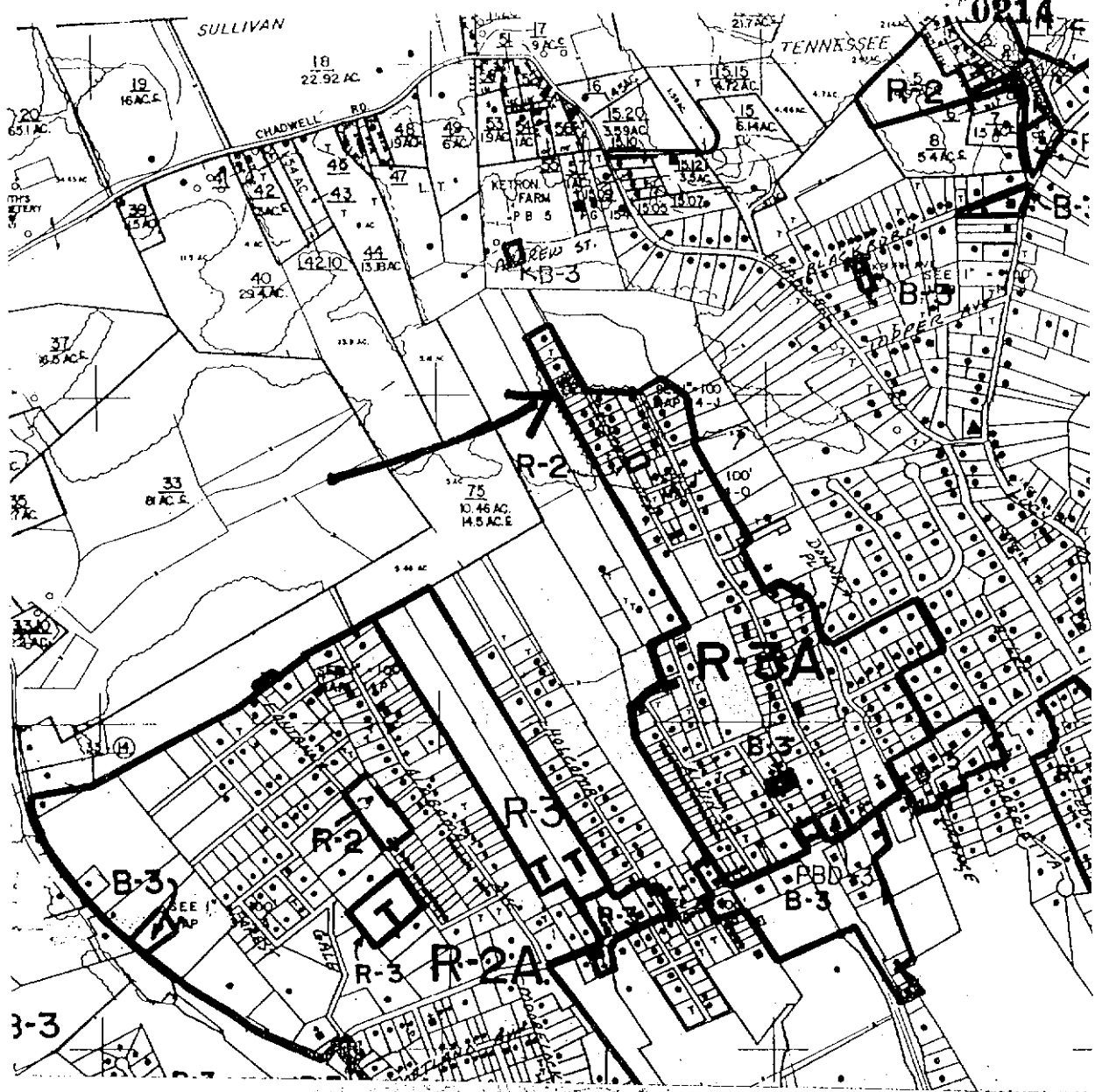
1" = 800'
 Scale

Lot Size: 29 acres
 Civil District: 2



August 18, 1998

File # 8/98-1



REZONING REQUEST
 Sullivan County, Tennessee
 From R-3A To R-2

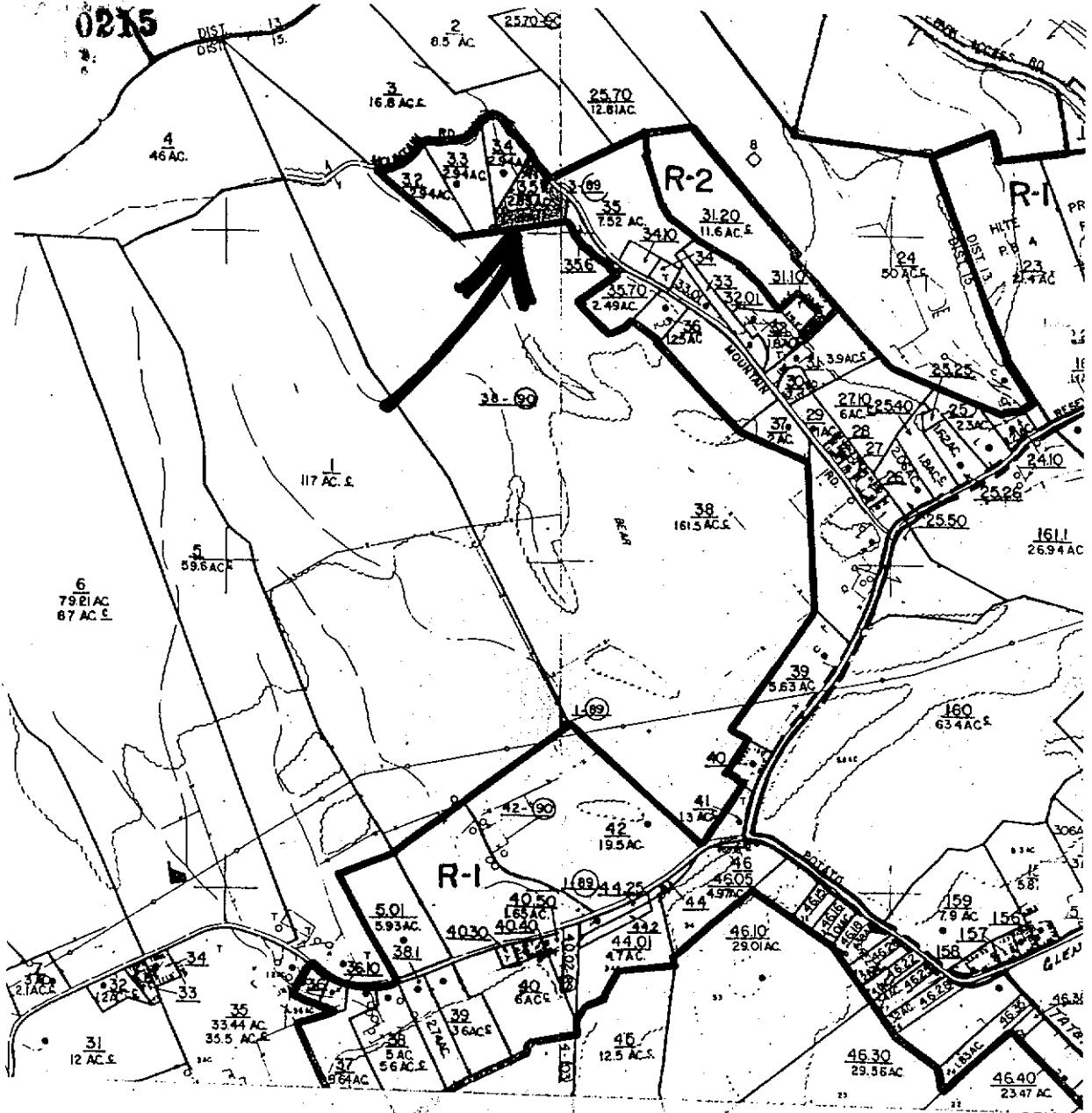
1" = 800'
 Scale

Lot Size: 88 x 140 feet
 Civil District: 10



August 18, 1998

File # 8/98-4



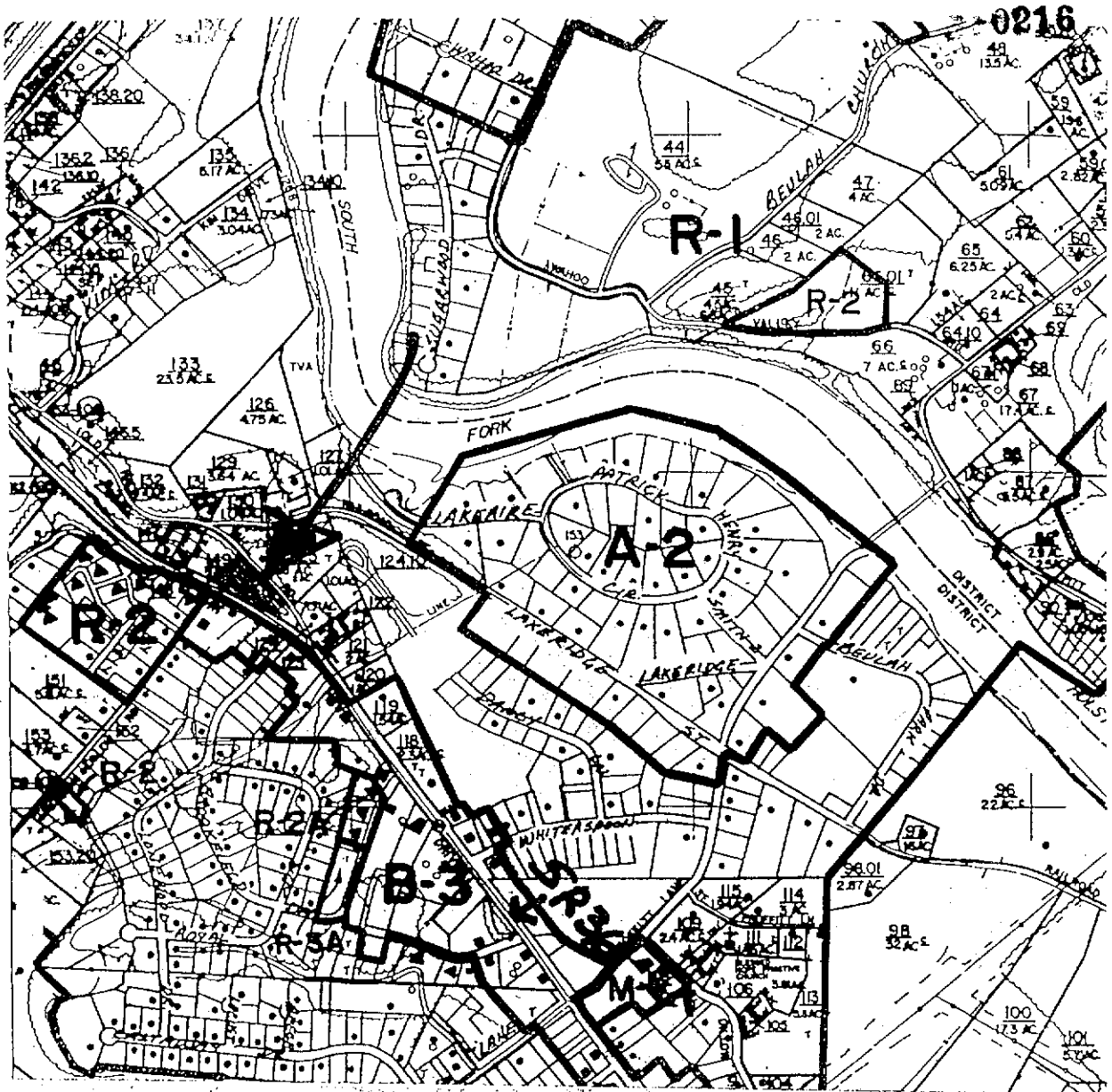
REZONING REQUEST
 Sullivan County, Tennessee
 From R-1 To R-2

1" = 800'
 Scale

Lot Size: 2.85 acre
 Civil District: 15



August 18, 1998
 File # 8/98-6



REZONING REQUEST
 Sullivan County, Tennessee
 From PBD-3 To B-3

1" = 800'
 Scale

Lot Size: 2.6 acre
 Civil District: 14



August 18, 1998

File # 8/98-7

217

STATE OF TENNESSEE

COUNTY OF SULLIVAN

ELECTION OF NOTARIES

AUGUST 17, 1998

Phyllis Ann Addair	Kathy A. Johnson
Linda B. Allison	Linda K. Korte
Ronald L. Baker, Sr.	Priscilla M. Kyte
Donna L. Bandy	J. Patrick Ledford
Beverly A. Bedwell	Cathy Loving Maine
Billy C. Benton	B. Todd Martin
Judy Pippin Boothe	Anita Mattera
Patricia M. Brown	Charlie E. Moore
Michael Callahan	William B. Powers
Debra B. Conner	Jack L. Ryan
Lisa King Crockett	Beverly E. Scott
Sylvia T. Crockett	Julie A. Smith
Terry M. Cumbow	Teresa Murray Smith
Charlton R. DeVault, Jr.	Lisa M. Snyder
Wayne A. Epperson	Elizabeth A. stanley
Gregory W. Francisco	William S. Todd
Patricia M. Freeman	Rebecca A. Wagers
Mark D. Grindstaff	James J. Watkins
Melody Lynette Hall	John H. White
Gene A. Hensley	Susan Elaine Williams
Heather K. Hodges	
Diane Horner	Upon motion made by Comm. Harr and seconded by Comm. Morrell to approve the Notary Applicants listed hereon, said motion was approved by roll call vote of the Commission.
Charles W. Howell	
Farris Jackson	
Susan S. Jackson	22 AYE, 2 ABSENT
Eckle Roy Jenkins	

STATE OF TENNESSEE
COUNTY OF SULLIVAN

APPROVAL OF NOTARY
PUBLIC SURETY BONDS

SEPTEMBER 21, 1998

Kimberly C. Adams

Margaret K. Baker

Constance L. Blanton

Judy A. Coleman

Judy A. Douglas

Teresa R. Laws

Joe C. Mullenix

Catherine S. Rhinehart

Nancy Stallard

Sandie Tolbert

Nina B. Trivette

Upon motion made by Commissioner Ralph Harr and seconded by
Commissioner Randy Morrell 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

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 18th DAY OF May 19 98.

RESOLUTION AUTHORIZING Naming the New Sullivan County Office Building

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 18th day of May 1998.

THAT WHEREAS, The discussion of purchasing and locating a county office building at the intersection of Highways 37 and 126 was begun in March of 1997, and

WHEREAS, From March of 1997 until April of this year the sight has been referred to as: The Old Chevrolet Building, The Wallace Building, The Wallace Chevrolet Building, Old Wallace Chevrolet Dealership Build, Administrative (Baker) Building, Baker Chevrolet Car lot, Sullivan County Office Expansion, etc., and

WHEREAS, Construction and improvements are now in progress at that sight and a projected completion date is early 1999, and

WHEREAS, A more appropriate and acceptable name should be assigned and to this future Sullivan County office building, and

WHEREAS, Federal, State, and local governments often name buildings, parks, roads, etc., to honor citizens ho have served that respective level of government, and

WHEREAS, Marjorie Smith Harr was first appointed to the office of Sullivan County Clerk in October 1951 following the death of her husband, Russell G. Harr, who had served in that office the previous five years, and

WHEREAS, Mrs. Harr became only the second female county court clerk in the State of Tennessee. She was elected to continue in that office nine times serving a total of 35 years as Sullivan County Court Clerk and retired from that office August 31, 1986. (please see attached), and

WHEREAS, Margaret Watkins Milhorn served with the Sullivan County Election Commission for over thirty years and as Register-At-Large for twenty of those years, and

WHEREAS, Mrs. Milhorn ability to maintain a professional, impartial perspective towards her responsibilities and office management as Register-At-Large was an asset to all citizens of Sullivan County (please see attached resolution).

NOW, THEREFORE BE IT RESOLVED, That we honor both women who served Sullivan County for so many years by naming the building to be used by the offices of County Court Clerk and Election Commission as "The Marjorie Smith Harr/Margaret Watkins Milhorn Sullivan County Office Building" identified from now as:

HARR-MILHORN
SULLIVAN COUNTY
OFFICE BUILDING

RESOLUTION No. 247043
Page Two

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

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

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

INTRODUCED BY COMMISSIONER Surgenor ESTIMATED COST: _____
SECONDED BY COMMISSIONER Hyatt, Belcher FUND: _____
Ferguson

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	11		12	1	
Voice Vote					

COMMENTS: FIRST READING 5/18/98 DEFERRED 6/15/98
DEFERRED 7/20/98 DEFERRED 8/17/98 FAILED 9/21/98 ROLL CALL

TEL:

May 13, 98 10:46 No. 001 P. 02

Majorie Harr leaves county clerk office

In this job, you have to like people and be willing to work. And you're on call 24 hours a day, usually for emergencies involving marriage licenses or car tags.

— Marjorie Harr

By ALLISON MECHEM 8/29/86
Times-News Staff Writer

Marjorie Harr said she was confident she could do the job when she was appointed Sullivan County Clerk. And she got the job done for 35 years.

Harr, who leaves office Aug. 31, was appointed to the office in October, 1951, after the death of her husband, Russell C. Harr, who had served as clerk for the five years preceding his death. She was eight months pregnant with the couple's second son when she was appointed to the office.

"I wasn't worried about being able to function in the job," she said. "I was confident in myself, and the people who were already in the office helped me learn."

The office staff has grown from six when she was appointed to the office to 19 as of this year, and the workload has increased similarly in many areas.

"During my first year in office, we sold less than 20,000 car tags," she said. "Now, we're up to about 150,000 per year."

The County Court Clerk's office issues car tags, marriage licenses, and hunting and fishing licenses, and handles state and county business taxes. When Harr became clerk, the office handled the issuance of new drivers' licenses, a job that has since been turned over to the state.

"There's a lot that we take care of in this office — a lot of paper work," she said. "It takes a long time to learn what goes on, and you have to keep up."

The former Marjorie Smith was born and grew up in Sullivan County, the daughter and granddaughter of Sullivan County natives. She is the mother of two sons — Russell, who lives in Kentucky, and Paul, an attorney.

Harr taught school before becoming clerk, and was the first woman to serve as County Court Clerk in Sullivan County and only the second female county clerk in the state. Now, she said, more than half of Tennessee's county clerks are women. But being the first woman in a particular job situation wasn't a new



Times-News photo — GRC

Marjorie Harr, who leaves office Aug. 31 after 35 years as Sullivan County Court Clerk, plans to pursue her hobbies of reading, art, and photography.

experience for her, even then.

"I was the first woman to work in the maintenance department at Holston Defense during World War II, but that didn't bother either," she said. "That was an exciting and interesting place to work during wartime."

A veteran of nine elections, Harr supported Gay Feathers in her recent successful bid to succeed Harr as county clerk. Feathers, who takes office Sept. 1, has worked in the office 25 years and has, Harr said, the qualities not for the job.

"In this job, you have to like people and be willing to work," she said. "And you're on call 24 hours a day, usually for emergencies involving marriage licenses or car tags."

Harr said she will use her free time to pursue hobbies she has neglected while in office.

"I want to take art lessons, and I have a 35 mm camera I'd like to learn to use," she said. "And I've got lots of reading and homework catch up on."

"I'm going to miss the job and the people much. I've already volunteered to come in and help out, and they all know I mean it."

Attachment. Rec # 37

RESOLUTION NUMBER ~~45~~

0222
43 Attachment
Res # 24-10
3-4

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 17th DAY OF June 1996.

RESOLUTION AUTHORIZING Honoring Margaret Watkins Milhorn on the Occasion of her Retirement

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 17th day of June 1996.

THAT WHEREAS, It is with pleasure that the Sullivan County Board of Commissioners recognizes employees who have performed their duties with extraordinary commitment and devotion, and

WHEREAS, Margaret Watkins Milhorn, who served the Sullivan County Election Commission for over 30 years, is one such remarkable person, and

WHEREAS, Following employment with the Election Commission in 1964, Margaret was appointed Registrar-at-Large in 1977, and became one of the first Registrars in the State to be certified as a Registrar-at-Large in June of 1987, and

WHEREAS, Margaret's ability to maintain a professional, impartial perspective towards her responsibilities was an asset to both Democratic and Republican Administrations under whose leadership she served, and

WHEREAS, In addition to total dedication to her family and to her church, where she been pianist and organist for over thirty five years, Margaret always found the time to give of her talents to the Community, having served as President of Avoca Elementary P.T.A, Bluff City Jr. High and East High, and holds the honorable distinction of Past Matron, Order of Eastern Star in Bluff City, and

WHEREAS, Margaret and Ivan Milhorn are the parents of two sons, Gary and Dennis, and have five grandchildren, and

WHEREAS, Margaret completed her successful career in public service upon Retirement in December of 1995,

NOW THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners, on behalf of all citizens of Sullivan County, hereby honors Margaret Watkins Milhorn for her many great works as a public servant and humanitarian and extend our best wishes for health and happiness in her Retirement.

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

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

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

Attested: _____ Date: _____ Date: _____

County Clerk

County Executive

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

*Attachment
Rec # 24 10
3 4*

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call					
Voice Vote					

COMMENTS:

RESOLUTION NUMBER 2554

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 15th DAY OF June 1998.

RESOLUTION AUTHORIZING Changes in the Operation of the Sullivan County Animal Shelter

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 15th day of June 1998.

THAT WHEREAS, It is hereby requested that the Sullivan County Executive reappoint the Animal Shelter Committee for confirmation by the Sullivan County Board of Commissioners and that said committee include citizen volunteers, and _____

WHEREAS, The vision of the new volunteers is to make the Sullivan County Animal Shelter the best shelter in this area. The goals are to improve the care, control, and adoption through improved processes for animals with volunteers, support from local businesses, and teamwork to benefit both the citizens and animals of Sullivan County, and _____

WHEREAS, The new volunteers agree to further detail the steps involved for the following processes in order to better define volunteer functions and to make improvements. Also, it is agreed that customers, employees, and volunteers input will be collected on an ongoing basis as data for continual improvement of these processes. "Measures of Success", progress reports with results, will be made on a monthly/quarterly basis to the Sullivan County Commission and the Strategic Planning Committee, and _____

WHEREAS, Some "Measures of Success" examples are: Customer Service Survey Results, Number of Adoptions made, Funds/Supplies Procured, Number of Volunteer Hours worked, Number of Advertisement Articles published, Process Improvements made, etc. _____

ADOPTION/CUSTOMER SERVICE PROCESS:

- Assist staff members during adoption
- Show animals for adoption
- Help with paperwork/office work
- Provide friendly customer service
- Help decorate shelter to improve atmosphere
- Help Administer:
 - 24-hour pickup of injured animals
 - Lost and found service
 - Rescue of animals in distress

ANIMAL CARE PROCESS:

- Groom Animals
- Walk Dogs
- Show kindness and attention to animals

IMPROVEMENT PROJECTS REQUIRING STUDY:

- Analyze hours of operations versus costs and make recommendations
- Study to increase funds through donations/fees to hold down taxes
- Develop Disaster Plan

FUND RAISING/ADVERTISMENT PROCESS:

- Initiate fund raising efforts
- Advertise shelter
- Contact businesses for support

EDUCATION PROCESS:

- Educate public about responsible pet ownership (like spay/neuter programs)

LIAISON PROCESS:

- Serve as liaison with:
 - Humane Society for cruelty investigations
 - Veterinarians to request needed information

PLANNING PROCESS:

- Maintain list of volunteers
- Schedule volunteers to work
- Train new volunteers

[NOTE: This basic strategic planning/goal setting and quality process improvement approach used here can also be used as a continual improvement example to improve understanding and help other departments in Sullivan County with planning and quality improvement.]

Amend:
8/17/98
Comm. King

~~WHEREAS~~ THEREFORE,

The Sullivan County Board of Commissioners confirms the appointment of the following individuals to the Sullivan County Animal Shelter ~~and~~ Committee:

→

CHANGE WHEREAS TO THEREFORE

TITLE: NAME: ADDRESS:

Citizen Regina Isenberg 613 Foothills Rd., Kingsport

Citizen Linda Lewis 1018 Hill Road, Blountville

Remove

~~Citizen Mary Geiger 403 Knob Hill Rd., Bristol~~

Commissioner June Carter 213 Lake View Cir., Kingsport

Dept. Head Bill Ray Sullivan County Health Department

Add

Citizen Belinda Whitaker 220 Cross Community Rd, Bristol

This Committee will not become effective until August 1, 1998.

Amend:
Comm.
Carter
8/17/98

[See attached listing for other volunteers that Committee will use as resource members/volunteers].

Add a member from District 6

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

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

Duly passed and approved this 21 day of September 19 98

James J. Dammann
Attested: _____
County Clerk

Date: 9/21/98

County Executive

INTRODUCED BY COMMISSIONER Krell ESTIMATED COST: _____
SECONDED BY COMMISSIONER Carter FUND: _____

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

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

COMMENTS: FIRST READING 6/25/98 Motion by: Comm. McConnell
2nd by: Comm. Gonce to Defer Motion .. Approved - Voice Vote

DEFERRED 7/20/98 Motion by: Comm. Boyd and 2nd. by Comm. McConnell
TO DEFER: Motion to defer Approved 8/17/98-Voice Vote
APPROVED 9/21/98 VOICE VOTE

226

AMENDMENT TO RESOLUTION NO. 4

Delete paragraph beginning with "Therefore" (including appointments to the Sullivan County Animal Shelter Committee) and substitute in lieu thereof the following:

NOW, THEREFORE, BE IT RESOLVED that the Sullivan County Board of Commissioners confirms the appointment of the following individuals to the Sullivan County Animal Shelter Committee. With the exception of the Sheriff and the County Legislative Body Member whose terms are set forth below, all members of the Animal Shelter Committee shall be appointed for three year terms; however, their initial appointment shall be made on the following terms in an effort to achieve subsequent staggered three year terms.

Citizen	Regina Isenberg	613 Foothills Road Kingsport, Tennessee	Initial One Year Term
Citizen	Linda Lewis	1018 Hill Road Blountville, Tennessee	Initial One Year Term
Citizen	Belinda Whitaker	220 Cross Community Rd Bristol, Tennessee	Initial Two Year Term
Citizen	Susan Hubley	283 Emory Church Road Kingsport, Tennessee	Initial Two Year Term
DVM	Dr. Jane Vaughn Indian Ridge Hosp.	1100 Indian Trail Drive Kingsport, Tennessee	Initial Three Year Term
One County Legislative Body Member	June Carter	213 Lakeview Circle Kingsport, Tennessee	Co-Terminus With County Commission Term
Sheriff or Sheriff's Designee			Permanent Term

Introduced by Commissioner: Carter
Seconded by Commissioner: Gonce

COMMENTS: _____

Johanna Borders
3136 W. State St.
Bristol, Tn 37620
423/764-1011

Alice/Chuck Carrier
405 Knob Hill Dr.
Bristol, Tn 37620
423/764-2695

Wilma Combs
P.O. Box 3406
Bristol, Tn 37625
423/678-7412

Mary E. Geiger
403 Knob Hill Dr.
Bristol, Tn 37620
423/764-1095

Lisa Hartman
4213 Island Rd.
Bristol, Tn 37620
423/968-7293

John Helt
1700 Bell Ridge Rd.
Kingsport, Tn 37665
423/392-8092

Kathy Kincaid
2114 Anderson St.
Bristol, Tn 37620
423/764-0708

Debbie Loggans
535 Lakeside Dr.
Abingdon, VA 24210
540/628-7583

Texie/Fred Lord
113 County Oak Dr.
Bristol, Tn 37620
423/878-3466

Shari Matheius
425 Shawnee Dr.
Bristol, Va 24201
540/669-2723

Penny Major
219 Hunter Hill Cir., #3
Bristol, Tn 37620
423/968-4945

Sonya Meade
20 Brookdale Cir.
Bristol, Va 24201
540/466-5959

Shirley Mitchell
456 Isley Dr.
Blountville, Tn 37617
423/323-9496

JoAnn Rorrer
400 Knob Hill Dr.
Bristol, Tn 37620
423/764-3945

Cheryl Vandergriff
352 Wine Cr.
Blountville, Tn 37617
423/323-4589

Belinda/Frank Whitaker
220 Cross Community Rd.
Bristol, Tn 37620
423/968-9050

Welles Wiles
68 Utah St.
Bristol, Va 24201
540/669-1457

Janet Wood
447 Belmont Dr.
Bristol, Tn 37620
423/968-7991

Kathy Worley
Bristol, Va 24201
540/669-4821

Shirley/Bob Yantz
112 Leprechaun Way
Bristol, Tn 37620
423/653-7977

Attachment
Rev # ~~25~~
54

Susan M. Hubley

283 Emory Church Road - Kingsport, TN 37664
 Home Phone 423 279-9213 - Email mlhsmh@intermedia1n.net

Attachment
 Res # 4

PERSONAL

My personal goal is to obtain a teaching position where I can teach, learn, and grow in an enthusiastic, positive manner.

EDUCATION

1981-1984

B.S., Rutgers University, Camden, NJ

1988-1992

M.Ed., Calverton College, Radnor, PA

1992-1993

M.A.T., East Tennessee State University, Johnson City, TN

EMPLOYMENT

1993

Resource instructional assistant, Kingsport City Schools, TN

Small group instruction and whole group instruction, fifth grade inclusion instruction, completed mandated special education paperwork including IEP's and census reports, attended M-teams, co-authored two grants (Putting Children First and TN Technology Literacy Grant), administered standardized tests, classroom observations, assisted in developing unit plans for gifted learners, member of school technology committee
 EYS teacher (extended year services, 1996, 1997, 1998)
 Part time homebound instructor, 1997, 1998 for middle school and high school students

1997-1995

Substitute teacher, Kingsport City Schools, TN, Sullivan County Schools, TN

Substituted grades K-8 (regular and special education classrooms), and interim position grade one

1989-1992

Kindergarten teacher, Dor-Lyn School, Burlington NJ

Taught Kindergarten curriculum, wrote and directed school plays, introduced concept of whole language, designed and taught summer enrichment program for kindergarten and preschool, assisted with preschool observations and referrals for early intervention programs, developed and implemented kindergarten screening tool

1986-1992

Youth Chorus Director, Holy Trinity, Burlington, NJ

Directed all musical activities and choirs for young people

INTERESTS & ACTIVITIES

- Herb gardening, ornithology, reading
- CEC (Council for Exceptional Children) member - TAM and TAG divisions

COMPUTER SKILLS

- WordPerfect, Microsoft Works, Internet, Intellikeys, and varied educational software applications including talking word processing programs

REFERENCES
for
Susan M. Hubley

Doris Eichman & Marilyn Immendorf
Dor-Lyn Preschool
1308 Burlington-Mount Holly Road
Burlington, NJ 08016
609-306-2686

Nancye Garland
Resource instructor, Lincoln Elementary
2016 West Manor Court
Kingsport, TN 37660
423-378-3262

Helen Bennett
Assistant to the Principal, Lincoln Elementary
10 McGregor Court
Johnson City, TN 37604
423-283-4775

Mathew Tynes
Fifth grade teacher, Lincoln Elementary
4705 Ivy Drive
Kingsport, TN 37663
423-239-0554

Karen Cassell
3714 Skyland Circle
Kingsport, TN 37664
423-378-4994

Janet Faulk
Special Education Coordinator
Kingsport City Schools
East Center Street
Kingsport, TN 37664
423-378-2117

RESOLUTION NUMBER 10-75

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS ~~OF~~ THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 20 DAY OF July 19 98

RESOLUTION AUTHORIZING Agreement between Sullivan County Emergency Medical Service and City of Bristol

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 20th day of July 1998

THAT, WHEREAS, in 1970 Sullivan County established EMS service for the residents of Sullivan County including Kingsport and Bluff City; and,

WHEREAS, the Sullivan County EMS has been limited in providing this service due to lack of housing and call volume to justify the expense; and,

WHEREAS, the City of Bristol has offered their facility on Exide Drive (Fire Station 4) to accommodate one ambulance and staff; and,

WHEREAS, the proposed Agreement has been reviewed by the City Attorney and County Attorney for their approval; and,

WHEREAS, the proposed Agreement provides the option for Sullivan County to terminate the contract at anytime.

NOW, THEREFORE BE IT RESOLVED, that the Sullivan County Board of Commissioners authorizes the County Executive to sign an Agreement between the Sullivan County Emergency Medical Service and the City of Bristol to locate an EMS ambulance at Fire Station 4 on Exide Drive.

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

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

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

Attested:

Clerk Date: _____ County Executive Date: _____ County

INTRODUCED BY COMMISSIONER Brian Boyd ESTIMATED COST: _____

SECONDED BY COMMISSIONER Tom Daniel FUND: _____

COMMITTEE ACTION: APPROVED EE DISAPPROVED DEFERRED
Eddie Williams

DATE	APPROVED	DISAPPROVED	DEFERRED
Administrative	<input checked="" type="checkbox"/> 7-1-98	_____	_____
Budget	<input checked="" type="checkbox"/> 7-1-98	_____	_____
Executive	_____	_____	_____

COMMISSION ACTION [AYE] [NAY] [PASS] [ABSENT] [TOTAL]
Roll Call _____
Voice Vote _____

COMMENTS: FIRST READING 7/20/98 DEFERRED 8/17/98
WITHDRAWN 9/21/98

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 17th DAY OF August 1998.

RESOLUTION AUTHORIZING County Executive Gil Hodges to Write a Letter Opposing Future Plans of Reducing Tertiary Care Services in Bristol and Upper Sullivan County

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 17th day of August 1998.

THAT WHEREAS, The Board of Directors of Wellmont are studying the consolidation of tertiary care services at Bristol Regional Medical Center with the Kingsport Wellmont facilities; and

WHEREAS, The services of cardiac, trauma and oncology services are very important to our community and residents from the far eastern portion of Sullivan County, and

WHEREAS, The reduction of available services in cardiac and trauma services could result in delayed treatment to meet the "golden hour" in trauma patients and the cardiac care in rapid cardiac reperfusion of heart attack victims for open heart surgery candidates, and

WHEREAS, The reduction of available tertiary care services will cause citizens of eastern Sullivan County to travel from 20-70 miles in seeking services that are presently available in Bristol, and

WHEREAS, The movement of oncology services to Kingsport will cause unnecessary pain and inconvenience to cancer patients during their efforts to overcome a terrible illness, and

WHEREAS, The citizens and communities of Sullivan County have contributed monetary funds and support to obtain the highest level of service to the citizens over the last fifty years, and

WHEREAS, It is very important for the future growth of Eastern Sullivan County to have the highest medical technology available in attracting new business and industry,

NOW THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners request the County Executive to submit a letter to the Wellmont Board of Directors opposing any plans to relocate or reduce services at Bristol Regional Medical Center, the health and welfare requiring it for the citizens of Sullivan County.

WAIVER OF RULES REQUESTED

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

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

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

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

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

0232

RESOLUTION NO. 247
Page Two

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call					
Voice Vote					

COMMENTS: Motion by: Comm. Blalock and seconded by: Comm. Mayes
 TO TABLE
 Motion failed 8/31/98 Roll Call 9 Aye, 11 Nay, 1 Pass, 3 Absent
 PUT BACK ON FIRST READING 8/17/98 WITHDRAWN 9/21/98

RESOLUTION NUMBER 8

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 19 98.

RESOLUTION AUTHORIZING Acceptance of a Grant from the US Department of Transportation for Improvement Projects at the Tri-Cities Regional Airport, TN/VA

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September 1998.

THAT WHEREAS, The Aviation Trust Fund has made available a grant to Tri-Cities Airport Commission in the amount of \$908,552 for improvements to the Tri-Cities Regional Airport; and

WHEREAS, The projects will include a Jetway Adapter, Pavement and Utilities Management System, Runway Pavement Repair, Generator Fuel Tank Replacement, Passenger Boarding Assistant Device, Property Acquisition, Airfield Lighting Improvements, Access Control System Upgrade, and final costs for approved projects under a previous grant, and

WHEREAS, Airport owners are required to formally accept said grants and authorize execution of documents relating thereto.

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners authorizes the county to enter into a grant agreement with United States of America, acting through the Federal Aviation Administration, for the purpose of obtaining federal funds to be used for capital projects at the Tri-Cities Regional Airport, and further, authorizes the County Executive to sign any and all documents necessary to approve and accept said grant.

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

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

Duly passed and approved this 21 day of September 1998.

Attested: Jeanette F. Hammen Date 9/21/98 _____ Date: _____
 County Clerk County Executive

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

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

COMMENTS: APPROVED ROLL CALL 9/21/98

589



August 27, 1998

Mr. Gil Hodges
 County Executive
 Sullivan County, Tennessee
 P. O. Box 509
 Blountville, Tennessee 37617

*Attachment
 Res # 8*

Dear Mr. Hodges:

As you may know the U.S. Department of Transportation has granted the Tri-Cities Airport Commission funds in the amount of \$908,552 for airport improvement projects. The attached information defines the uses for these funds, under what has been designated AIP 22. As usual, there will be no cost to Sullivan County, Tennessee for these projects.

As one of the owners of the Tri-Cities Regional Airport, the Sullivan County, Tennessee will need to approve resolutions authorizing the County Executive to sign the Grant Agreement. We would request the approval of the resolutions (suggested format copies enclosed) be accomplished at your next scheduled meeting, since the grant must be signed no later than September 30.

Please contact me if you need additional information. Thank you for your help in this matter.

Sincerely,

John E. Hanlin
 Executive Director

JEH/sw

Enclosure

Tri-Cities Airport Commission • P.O. Box 1055 • Blountville, Tennessee 37617-1055
 Phone (423) 325-6001 • FAX (423) 325-6060
 Bristol • Kingsport • Johnson City Foreign-Trade Zone No. 204



PROJECT DESCRIPTION
AIP-22 FEDERAL GRANT
TRI-CITIES REGIONAL AIRPORT, TNVA

*Attachment
Rev # 3*

1. Land Acquisition - Wagner Property \$ 35,914
Provides for the purchase of approximately .2 acres under the approach to Runway 23.
2. Land Acquisition - Spears Property \$ 75,329
Provides for the purchase of approximately 2 acres under the approach to Runway 5.
3. Jetway Adapter \$ 8,400
Adapter unit added to current Jetway 5 that will allow the jetway to be used to enplane and deplane passengers on regional jets. This will prevent passenger from being exposed to inclement weather during the boarding process.
4. Pavement and Utilities Management System \$ 39,500
Computerized Graphic Information System (GIS) that shows the location of underground utilities, drainage structures, buildings, paved areas, and all known airport facilities. System will be used in the design and implementation of airport development projects.
5. Runway 5/23 Pavement Repair \$ 30,000
This project will provide a minor pavement repair caused by a depression adjacent to Runway 5/23.
6. Generator Fuel Tank Replacement \$ 18,200
Due to state regulations and the age of the current 1,000 gallon UST serving the airfield emergency generator, there is a need to replace the current this UST. This project will provide for the removal and replacement with a 1,000 gallon above ground storage tank.
7. Passenger Boarding Assistance Device \$ 23,000
This device will be used by the airlines to provide ADA access for passengers on regional aircraft that can not use jetways.
8. Airfield Lighting Improvements \$ 16,000
Components of the airfield lighting system have exceeded their expected life and are in need of replacement. Replacement parts are no longer available for these components. This project will provide for updates to sections of the airfield lighting system.
9. Access Control System Upgrade \$364,005
The Airport's computerized security access control system has exceeded its useful life and is in need of replacement. The system is not year 2000 compliant and replacement parts are no longer available. This project will provide for replacement and upgrade of this system.

352

*Attachment
Res # 8*

Page Two
AIP-22 Federal Grant
Tri-Cities Regional Airport, TNVA

- 10. Final Cost for Projects Approved Under a Previous Grant \$110,658
Project approved under a previous Federal grant (AIP 20) have been completed and final cost have been calculated. This previous grant included improvements to the airfield taxiways and associated lighting system. Design changes and project improvements are eligible for Federal assistance and have been included in the current grant.

- 11. Land Acquisition - Hertz Car Rental \$288,496
Provides for partial reimbursement (Phase I) of property acquisition adjacent to the existing public parking lots and the Airport Terminal building. Necessary for expansion of the public parking to accommodate increased parking demand currently experienced and predicted in the Airport's Master Plan Update. Additional property will be acquired next year, and remaining reimbursement will be applied for at that time.

TOTAL COST \$1,009,502

FEDERAL GRANT \$808,652

STATE GRANT \$50,475

AIRPORT FUNDS \$50,475

TOTAL \$1,009,502

Revised: 9/1/98

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 19 98.

RESOLUTION AUTHORIZING Acceptance of a Proposal by the Tennessee Department of Transportation to Construct a Project Described as I-81 and Kendrick Creek Road Interchange [No. 82001-2162-44]

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September 1998.

THAT WHEREAS, The Tennessee Department of Transportation proposes to construct a project in the 14th Civil District of Sullivan County described as the I-81 and Kendrick Creek Road Interchange.

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners authorizes acceptance of the proposal by the Department of Transportation to construct a project designated as No. 82001-2162-44 and described as I-81 and Kendrick Creek Road Interchange in Sullivan County.

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

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

Duly passed and approved this 21 day of September, 1998.

Attested: Jeanie Hammon County Clerk Date: 9/21/98 County Executive Date: _____

INTRODUCED BY COMMISSIONER S. Jones ESTIMATED COST: _____
SECONDED BY COMMISSIONER J. Carter FUND: _____

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	22		1	1	
Voice Vote					

COMMENTS: APPROVED 9/21/98 Roll Call Vote



(423)594-9300

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
P. O. BOX 58
KNOXVILLE, TENNESSEE 37901

August 17, 1998

*Attachment
Res # 9*

The Honorable Gil Hodges
Sullivan County Executive
P. O. Box 509
Blountville, TN 37617

RE: **PROPOSAL TO COUNTY OF SULLIVAN**
Federal Project No. DPI-76(4)
State Project No. 82001-2162-44
I-81 and Kendrick Creek Road Interchange
Sullivan County

Dear Mr. Hodges:

Mr. Fred Head is handing you one (1) set of plans and three (3) copies of the proposal on the above referenced project. The State representative handing you the proposal will be willing to answer any questions you may have or obtain the answers for you. **Following acceptance, two (2) copies of the proposal should be returned to me, each accompanied by a certified copy of the resolution.**

It is to be noted that we cannot begin buying the rights-of-way for this project until the County has accepted the proposal and same has been reviewed and approved by the Department attorney. Therefore, your earliest attention to this matter will be appreciated.

We appreciate your cooperation and if we can be of assistance in any way, please do not hesitate to give us a call.

Yours truly,

Glenn C. Malone
for
Glenn Malone
Transportation Manager
Right-of-Way Office

GM/dd

Attachment

c: Mr. Martin Kennedy

P R O P O S A L

*Attachment
Rev #*

OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE COUNTY OF Sullivan, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project designated as No. 82001-2162-44, that is described as I-81 and Kendrick Creek Road Interchange in the COUNTY of Sullivan, hereinafter COUNTY, provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the COUNTY will agree:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 404 James Robertson Parkway, Nashville, Tennessee 37243-0487, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days

after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense; and

2. To close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law; and

3. To transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the COUNTY or by any of its instrumentalities as required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes; and

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right of way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty

of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY; and

5. To maintain any frontage road to be constructed as part of the project; and

6. That after the project is completed and open to traffic, to accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map; and

7. That the COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT; and

8. That no provision hereof shall be construed as changing

the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system; and

9. That it is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the COUNTY; and

10. That when traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right of way for the project, any building improvements become in violation of a COUNTY setback/building line requirement, the COUNTY agrees to waive enforcement of the COUNTY setback/building line requirement and take other proper governmental action therefor.

The acceptance of this proposal shall be evidenced by the passage of a resolution, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto. Thereafter, the DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse

condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this _____ day of _____, 1998.

SULLIVAN COUNTY

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
GIL HODGES
SULLIVAN COUNTY EXECUTIVE

BY: _____
J. Bruce Saltsman, Sr.
Commissioner

APPROVED:

BY: _____
Tim Gary
Department Attorney

0244

RESOLUTION NUMBER 10

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 1998.

RESOLUTION AUTHORIZING Sullivan County School Department Amending the 1998-99 School Capital Projects Fund (Renovation Fund)

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September 1998.

THAT WHEREAS, Flooding of Bluff City Middle School Gymnasium has required the replacement of the gym floor twice in the last couple of years, and

WHEREAS, The Facilities Committee of the Sullivan County School Board recommends that the entrance to the Bluff City Middle School be enclosed to prevent water from entering the gymnasium, and

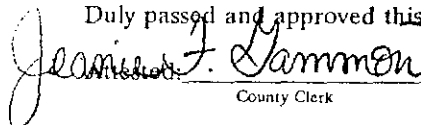
WHEREAS, The Sullivan County School Board approves the appropriation of \$100,000.00 from the Undesignated Fund Balance of the School Capital Projects Fund for the building improvement and architectural cost;

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners authorizes amending the 1998-99 School Capital Projects Fund for the aforementioned project.

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

This resolution shall become effective on _____, 1998, the public welfare requiring it.

Duly passed and approved this 21 day of September, 1998


 Attested: _____ Date: 9/21/98 _____ Date: _____
 County Clerk County Executive

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	23			1	
Voice Vote					

COMMENTS: APPROVED 9/21/98 ROLL CALL

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 1998.

RESOLUTION AUTHORIZING Sullivan County to Provide an Easement for a Sewer Line Extension in the Tri-County Industrial Park

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September 1998.

THAT WHEREAS, A sewer line is being extended to industrial sites in the Tri-County Industrial Park, and

WHEREAS, Said sewer line will cross property jointly owned by Sullivan County and others,

NOW, THEREFORE BE IT RESOLVE, That the Sullivan County Board of Commissioners authorizes the dedication of an easement to provide for the sewer line extension.

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

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

Duly passed and approved this 21 day of September, 1998

Jeanie F. Hammen
Attested: _____
County Clerk

Date: 9/21/98 _____ Date: _____
County Executive

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

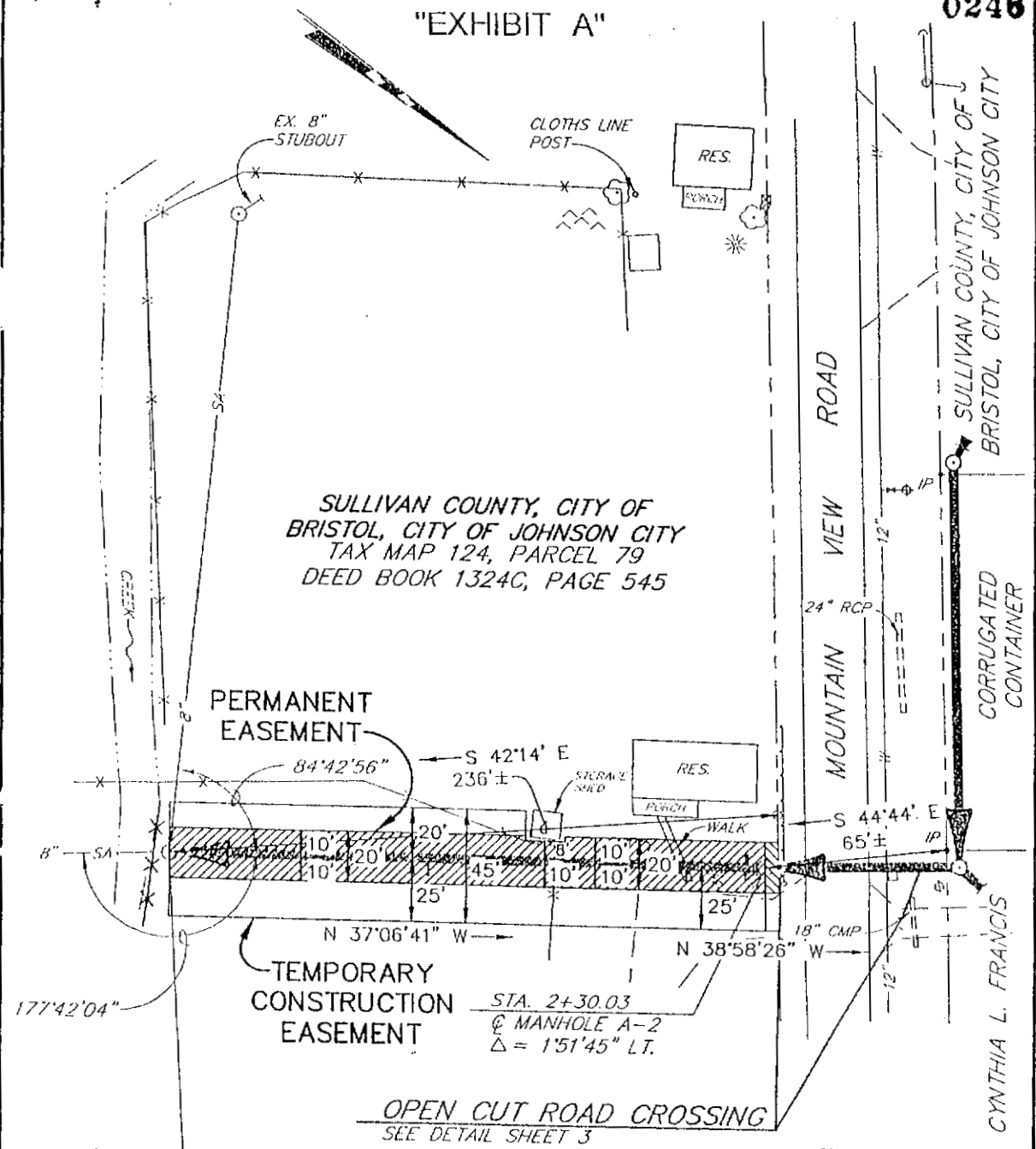
Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	23			1	
Voice Vote					

COMMENTS: APPROVED 9/21/98 ROLL CALL

0246

"EXHIBIT A"



SULLIVAN COUNTY, CITY OF
 BRISTOL, CITY OF JOHNSON CITY
 TAX MAP 124, PARCEL 79
 DEED BOOK 1324C, PAGE 545

PERMANENT
 EASEMENT

TEMPORARY
 CONSTRUCTION
 EASEMENT

OPEN CUT ROAD CROSSING
 SEE DETAIL SHEET 3

STA. 0+00.00 LINE "A"
 @ EXISTING MANHOLE (MANHOLE A-1)
 REMOVE EXISTING MANHOLE
 INSTALL NEW MANHOLE
 WATERTIGHT FRAME & COVER
 BEGIN LINE "A"

SULLIVAN COUNTY, CITY OF
 BRISTOL, CITY OF JOHNSON CITY
 TAX MAP 124, PARCEL 79
 DEED BOOK 1324C, PAGE 545

Signature is for engineering purposes only.
 signature is not for certification of accuracy
 of information shown. Information shown
 was prepared by J. R. Wauford and
 Company, Inc.



SCALE 1"=50'

CITY OF BRISTOL, TENNESSEE DEPARTMENT OF ENGINEERING		SULLIVAN COUNTY, CITY OF BRISTOL, CITY OF JOHNSON CITY DEED BOOK 1324C, PAGE NO. 545	
PROJECT CONTRACT 98-01 - TRI-COUNTY INDUSTRIAL PARK BEWER EXTENSION		CIVIL DISTRICT 9 SULLIVAN CO., TN	
ACCT. NO. _____	SHT. 1 OF 1	DRAWN BY DJZ	PLAT _____

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 19, 98.

RESOLUTION AUTHORIZING Approval of Statutory Bonds for Elected Officials

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO Approve the Statutory Bonds for Elected and Appointed Officials

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September, 1998.

THAT WHEREAS, Certain elected officials are required to have Statutory Bonds approved by the county legislative body.

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners approves the Statutory Bonds for the following list of officials:

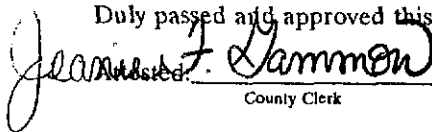
- Wayne Anderson - Sheriff and Superintendent of the Workhouse
- Mary Lou Duncan - Register of Deeds
- Jeanie Gammon - County Clerk
- Frances Harrell - Trustee
- Gil Hodges - County Executive
- John R. LeSueur - Commissioner of Roads
- Daniel P. Street - County Attorney
- Raymond Winters - Circuit Court Clerk and Commissioner & Receiver

WAIVER OF RULES REQUESTED

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

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

Duly passed and approved this 21 day of September, 19 98


 _____ Date: 9/21/98 _____ Date: _____
 County Clerk County Executive

INTRODUCED BY COMMISSIONER O.W. Ferguson ESTIMATED COST \$10,947.00
SECONDED BY COMMISSIONER Wayne McConnell FUND: _____

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	23			1	
Voice Vote					

COMMENTS: WAIVER OF RULES APPROVED 9/21/98 ROLL CALL

RESOLUTION NUMBER 14

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 19 98.

RESOLUTION AUTHORIZING Approval of Mitigation Plan for Evergreen Ledge Subdivision

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September 1998.

THAT WHEREAS, There is a new program available through the Federal Emergency Management Agency and Tennessee Emergency Management Agency called a "Mitigation Plan", and

WHEREAS, This plan is provided to assist counties and the residents in flood zones, and

WHEREAS, Evergreen Ledge Subdivision is located in Sullivan County on US Highway 11-W, between the cities of Kingsport and Bristol near Highway 37, and

WHEREAS, The Army Corps of Engineers has studied this area, along with state and federal agencies, and such agencies have approved a significant portion of this community for mitigation, and

WHEREAS, The properties have been appraised and the Sullivan County Emergency Management Agency has compiled the cost for the project; and

WHEREAS, The mitigation process provides a funding formula with the county paying 12/5%, state 12/5% and the federal government 75% of the cost;

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners approves the portion of it's cost estimated at \$220,000.

WAIVER OF RULES REQUESTED

AMEND: Homeowner would pay \$500 of the 12 1/2% county appraised value, total cost not to exceed \$220,000, and house behind Courthouse would be included. Motion made by Harr, Commission approved motion.

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

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

Duly passed and approved this 21 day of September, 19 98

Jeanette Jammon
Attested: _____
County Clerk

Date: 9/21/98 _____ Date: _____
County Executive

INTRODUCED BY COMMISSIONER Gonce ESTIMATED COST: _____
SECONDED BY COMMISSIONER Blalock/Patrick FUND: _____

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	20		3	1	
Voice Vote					

COMMENTS: WAIVER OF RULES APPROVED 9/21/98 ROLL CALL As amended

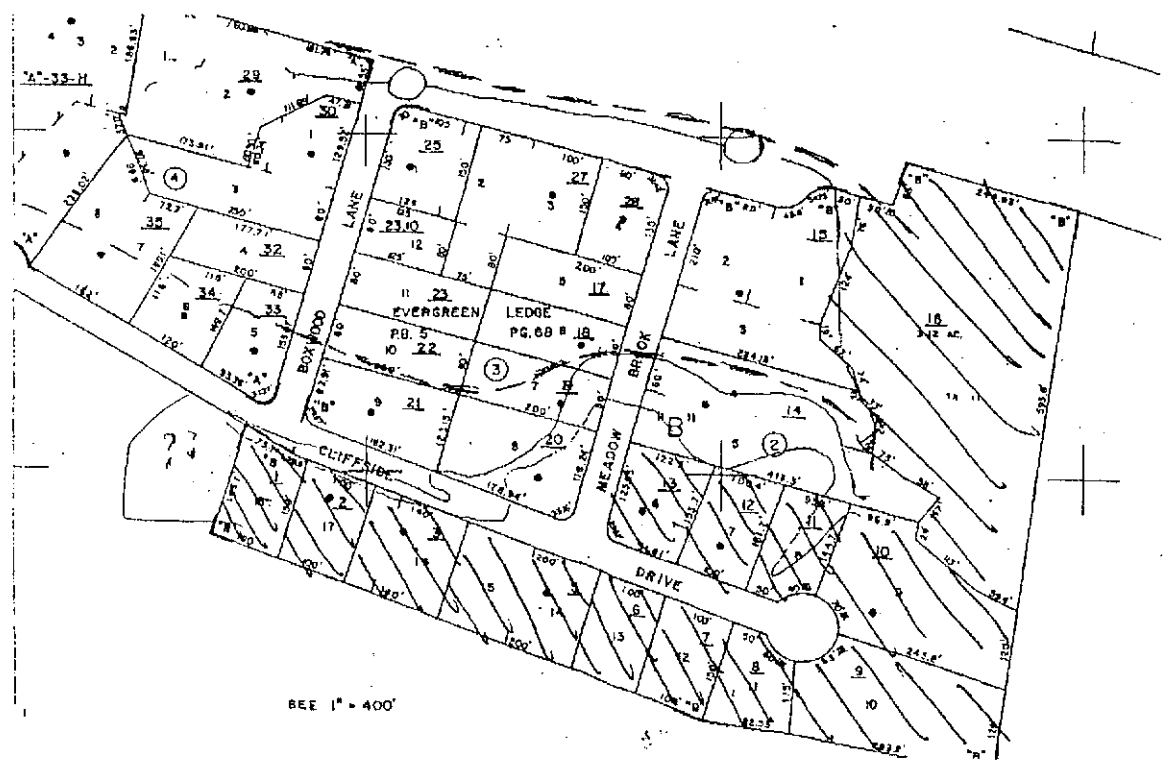
Attachment # 14

8246

John,
This Council was OK with everything
except those marked off this map.

Rose

Rental Relocation Assn,
Barrett Mullins



TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 1998.

RESOLUTION AUTHORIZING Reappointment of Mr. David Tipton to the Board of Zoning Appeals

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

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

THAT WHEREAS, The Sullivan County Board of Zoning Appeals was established September 1, 1988 with five (5) members serving staggered terms, and

WHEREAS, The present Board and their expiration of terms is as follows:

Carroll Cross	- 9/01/2002
David Tipton	- 9/01/98
Jeffrey Fraley	- 9/01/99
Jim Street	- 9/01/2000
Carroll Reed	- 9/01/2001

WHEREAS, Mr. David Tipton's term has expired and

WHEREAS, Mr. Tipton was filling an unexpired term and has served only one year.

NOW THEREFORE BE IT RESOLVED, That Mr. David Tipton be reappointed to serve a four (4) year term on the Sullivan County Board of Zoning appeals. Said term will expire 9/01/2003.

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

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

Duly passed and approved this 21 day of September, 1998

Attested: J. Hammer Date 9-21-98 _____ Date: _____
 County Clerk County Executive

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	23			1	
Voice Vote					

COMMENTS: APPROVED 9/21/98 ROLL CALL

RESOLUTION NO. 16

BUDGET COMMITTEE

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 21ST DAY OF SEPTMBER, 1998.

RESOLUTION AUTHORIZING APPROPRIATIONS TO CHARITABLE & CIVIC ORGANIZATONS

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION 5-9-109 AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 21ST day of September, 1998;

WHEREAS, when the Sullivan County budget was passed on August 27, 1998 a number of organizations (including nonprofits) had funding provided, and

WHEREAS, Tennessee law provides that these appropriations must also be approved in a separate resolution from the budget.

THEREFORE; BE IT RESOLVED, THAT the Sullivan County Board of Commissioners approve the nonprofit appropriations as reflected on the attached list.

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

This resolution shall become effective on _____, 1998, the public welfare requiring it.

Duly passed and approved this 21 day of September, 1998.

Attested: Jeanette Hammon Date: 9/21/98
County Clerk County Executive

INTRODUCED BY COMMISSIONER WILLIAMS ESTIMATED _____
SECONDED BY COMMISSIONER HARR FUND: 101

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	19		4	1	
Voice Vote					

COMMENTS: WAIVER OF THE RULES REQUESTED
WAIVER OF RULES APPROVED 9/21/98 ROLL CALL

APPROPRIATIONS TO ORGANIZATIONS INCLUDING NONPROFITS
FY 1998-99

421 FIRE AND RESCUE	70,000	Fire Prevention
AVOCA FIRE DEPARTMENT	70,000	Fire Prevention
BLOOMINGDALE FIRE DEPT	100,000	Fire Prevention
BLUFF CITY VOLUNTEER FIRE DEPT	70,000	Fire Prevention
CITY OF BRISTOL FIRE DEPT	105,000	Fire Prevention
CITY OF KINGSPORT FIRE DEPT.	300,000	Fire Prevention
HICKORY TREE FIRE DEPT	70,000	Fire Prevention
PINEY FLATS FIRE DEPT	72,500	Fire Prevention
SULLIVAN COUNTY FIRE DEPT	85,000	Fire Prevention
SULLIVAN EAST FIRE DEPT	70,000	Fire Prevention
SULLIVAN WEST FIRE DEPT	85,000	Fire Prevention
WARRIORS PATH FIRE DEPT	100,000	Fire Prevention
FIRE TRUCK CONTRIBUTION *	130,000	Fire Prevention
SULLIVAN CO. FIREFIGHTERS ASSN.	1,500	Fire Prevention
BLOUNTVILLE EMERGENCY RESPONSE	40,000	Health & Welfare
BLUFF CITY RESCUE SQUAD	40,000	Health & Welfare
BRISTOL LIFE SAVING CREW	40,000	Health & Welfare
HICKORY TREE RESCUE SQUAD	40,000	Health & Welfare
KINGSPORT LIFE SAVING CREW	100,000	Health & Welfare
FRONTIER HTH - ALCO. & DRUG	5,355	Health & Welfare
FRONTIER HTH - ALCO. & DRUG	5,355	Health & Welfare
FRONTIER HTH - ALCO. & DRUG	5,355	Health & Welfare
FRONTIER HTH - REG, MENTAL HEALTH	15,491	Health & Welfare
FRONTIER HTH - REG, MENTAL HEALTH	15,491	Health & Welfare
FRONTIER HTH - BST REG. REHAB.	12,750	Health & Welfare
FRONTIER HTH - KPT CENTER OF OPPORTUNITY	9,563	Health & Welfare
BRISTOL SPEECH & HEARING	10,000	Health & Welfare
MOUNTAIN REGION SPEECH & HEARING	20,000	Health & Welfare
CHILD AVOCACY CENTER	15,000	Health & Welfare
DAWN OF HOPE	5,760	Health & Welfare
KINGSPORT SENIOR CITIZENS	10,000	Health & Welfare
BLUFF CITY PARK	10,000	Health & Welfare
BRISTOL, TN LEISURE SERVICES	15,000	Health & Welfare
KINGSPORT PARKS AND RECREATION	30,000	Health & Welfare
NORTH - EAST TN TOURISM	10,000	Economic Development
KINGSPORT VETERANS SERVICE -	6,600	Assistance
BRISTOL VETERANS SERVICE -	3,600	Assistance
ELIZABETHTON VOCATIONAL SCHOOL	10,239	Education

*Attachment
Res # 16*

RESOLUTION NO. 17

BUDGET COMMITTEE

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 21ST DAY OF SEPTEMBER, 1998.

RESOLUTION AUTHORIZING COMPLETE FUNDING FOR BRISTOL BUILDING
 WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____ AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 21ST day of September, 1998.

WHEREAS, the construction of the Bristol Justice Center is nearing completion for occupation by the end of October, and

WHEREAS, a number of miscellaneous cost including minor change orders, final architectural cost, signage for offices, window blinds, miscellaneous furnishings, and assembly of the furniture for the orderly occupation of the building are yet to be incurred, and

WHEREAS, the projections in June did not consider all of these cost, and

WHEREAS, additional funds are necessary to fully complete the occupancy of this building in the order that it was begun.

THEREFORE, BE IT RESOLVED that an additional \$40,000 shall be appropriated in the General Fund to Account No. 91120 700 00 2000 000 Bristol Justice Center from the Unappropriated Surplus Account No. 39000.

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

This resolution shall become effective on September 21, 1998, the public welfare requiring it.

Duly passed and approved this 21st day of September, 1998.

Jeanie J. Hammon 9-21-98
 Attested: _____ Date: _____

County Clerk

County Executive

INTRODUCED BY COMMISSIONER HARR ESTIMATED COST: \$40,000

SECONDED BY COMMISSIONER WILLIAMS FUND: 101

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	22			2	
Voice Vote					

COMMENTS: WAIVER OF THE RULES REQUESTED

WAIVER OF RULES APPROVED 9/21/98 ROLL CALL

BUDGET COMMITTEE

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 21ST DAY OF SEPTEMBER, 1998.

RESOLUTION AUTHORIZING COUNTY EMPLOYEE INSURANCE COVERAGE TO SULLIVAN COUNTY'S INDUSTRIAL DEVELOPMENT COMMISSION EMPLOYEES

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 21ST day of September, 1998.

WHEREAS, the Sullivan County Industrial Development Commission is an entity set up by Sullivan County and primarily funded by Sullivan County, and,

WHEREAS, the insurance cost for the two employees of this organization has continued to escalate and is up to \$17,000 for the current fiscal year, and

WHEREAS, Sullivan County's appropriation to that organization is \$127,500 for the current fiscal year, and

WHEREAS, the funding cost for these employees family coverage would be approximately \$10,000 for the fiscal year, and

WHEREAS, Blue Cross has been requested to allow for the inclusion of these individuals in the county's insurance plan upon approval by this body,

THEREFORE, BE IT RESOLVED that the two employees of the Sullivan County Industrial Development Commission be added to the County Insurance Plan(s) and the contribution to that body by the county be reduced by the amount presently being incurred by that organization. The County Executive and Purchasing Agent are hereby authorized to complete the necessary paper work to complete this insurance coverage.

Once final calculations for this partial fiscal year are available, the Director of Accounts and Budgets will make the necessary adjustments to the budget.

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

This resolution shall become effective on September 21, 1998, the public welfare requiring it.

Duly passed and approved this 21st day of September, 1998.

Jeanette J. Hammond
Attested: _____ Date: 9/21/98

County Clerk

County Executive

INTRODUCED BY COMMISSIONER HARR ESTIMATED SAVINGS: \$6,000
SECONDED BY COMMISSIONER WILLIAMS FUND: 101

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	23			1	
Voice Vote					

COMMENTS: WAIVER OF THE RULES REQUESTED

WAIVER OF RULES APPROVED 9/21/98 ROLL CALL

RESOLUTION NUMBER 26

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 21st DAY OF September 19 98.

RESOLUTION AUTHORIZING Honoring Mr. Jim Grubb

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of September 1998.

THAT WHEREAS, Jim Grubb is noted for his leadership ability, political integrity, and impartiality pertaining to his duties with the Sullivan County Election Commission. These attributes made him an invaluable asset for both the Republican and Democratic parties and the voters of Sullivan County, and

WHEREAS, Prior to his appointment to the Election Commission on May 4, 1978, Jim had worked with the Republican Party, Kingsport Junior Chamber of Commerce, and Civitan Club. He was also a broker with J.C. Bradford Company, and

WHEREAS, The years of untiring service and commitment did not pass without landmark achievements which include complete computerization of the Registrar of Voters Office and the introduction of electronic voting machines. In a world of changing technologies, Jim was instrumental in bringing the Election Commission into a computerized world, and

WHEREAS, Though Jim concluded his formal role with the Election Commission in June of 1998, he will be remembered with gratitude by the voters of Sullivan County, and

NOW, THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners, on behalf of all citizens of Sullivan County, hereby honors Jim Grubb for twenty years of service to the Sullivan County Election Commission and extends best wishes that his life be filled with good health and much happiness

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

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

Duly passed and approved this 21 day of September 19 98

Attested: Jeanette Hammen Date: 9-21-98 Date: _____
County Clerk County Executive

INTRODUCED BY COMMISSIONER Ferguson ESTIMATED COST: _____
SECONDED BY COMMISSIONER King FUND: _____
Gonce/Mason/McConnell/Vance/Williams

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

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

COMMENTS: APPROVED 9/21/98 VOICE VOTE

RESOLUTION NO. 28

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION, THIS 21ST DAY OF SEPTEMBER, 1998.

RESOLUTION AUTHORIZING CONTINUATION OF BLUE CROSS-BLUE SHIELD INSURANCE CONTRACTS

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 21ST day of September, 1998;

WHEREAS, Blue Cross-Blue Shield of Tennessee has been the administrator of the employee insurance programs for the past several years, and

WHEREAS, our consultant Mr. Jim Jordan has worked with the Insurance Committee and evaluated the potential insurance plans and administrators, and

WHEREAS, Mr. Jordan has recommended to the Insurance Committee that the contract continuation through Blue Cross-Blue Shield be extended by one year, and

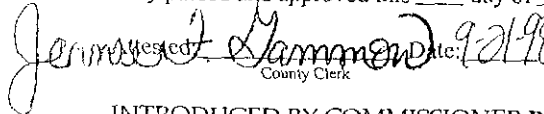
WHEREAS, the Insurance Committee has recommended the extension of Blue Cross-Blue Shield contracts as recommended by Mr. Jordan.

NOW THEREFORE BE IT RESOLVED that the County Executive and Purchasing Agent be authorized to sign the necessary contracts with Blue Cross-Blue Shield of Tennessee to administer insurance plans for Sullivan County General employees.

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

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

Duly passed and approved this 21 day of September, 1998


 _____ Date: _____
 County Clerk County Executive

INTRODUCED BY COMMISSIONER BELCHER ESTIMATED COST: _____
 SECONDED BY COMMISSIONER JAMES KING JR. FUND: _____

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	20	1	2	1	
Voice Vote					

COMMENTS: WAIVER OF THE RULES
APPROVED 9/21/98 ROLL CALL

*Attachment
Res # 28*

DATE: SEPTEMBER 17, 1998

TO: SULLIVAN COUNTY GOVERNMENT INSURANCE COMMITTEE

FROM: JIM JORDAN / CONSULTANT
HEALTH INSURANCE SERVICES

RE: RECOMMENDATION ON 1998-99 HEALTH AND DENTAL
INSURANCE PLANS

AFTER REVIEW OF BLUE CROSS BLUE SHIELD OF TENNESSEE'S RENEWAL AND OTHER MARKET OPTIONS, I OFFER THE FOLLOWING RECOMMENDATIONS:

HEALTH INSURANCE

- RENEW TRI-HEALTH CONTRACT WITH BLUE CROSS BLUE SHIELD OF TENNESSEE
- OFFER BLUE PREFERRED PPO AND HMO BLUE AS EMPLOYEE OPTIONS
- IMPLEMENT CURRENT PPO BENEFITS IN BLUE PREFERRED AND CONTINUE CURRENT BENEFITS IN HMO BLUE
- CHANGE CURRENT MENTAL HEALTH AND SUBSTANCE ABUSE BENEFITS TO CONFORM WITH MENTAL PARITY ACT
- RENEW \$75,000 SPECIFIC REINSURANCE WITH BLUE CROSS BLUE SHIELD OF TENNESSEE
- ADD HIGH DOSE CHEMOTHERAPY / BONE MARROW TRANSPLANT COVERAGE RIDER EFFECTIVE NOVEMBER 1, 1998
- HOLD OPEN ENROLLMENT MEETINGS AND DISCUSS BLUE PREFERRED NETWORK DIFFERENCES. COMPLETE APPLICATIONS FOR THOSE EMPLOYEES CHANGING TO HMO BLUE BY OCTOBER 9, 1998

RESOLUTION NO. 30

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 21st DAY OF SEPTEMBER, 1998.

RESOLUTION AUTHORIZING Allocation of Space for Placement of Historical Documents

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 21st day of September, 1998;

WHEREAS, the Sullivan County Commission embraces the foundation on which it and the United States were founded; and

WHEREAS, our foundation is supported by three (3) key historical documents which should be publicly displayed as a reminder to elected officials and the citizens; and

WHEREAS, we must preserve our heritage for future generations by acknowledging and recognizing such documents;

NOW, THEREFORE, BE IT RESOLVED that the Sullivan County Commission allocate space in the Commission Chambers of the Blountville Courthouse and in or around other publicly owned buildings as deemed appropriate by the Sullivan County Commission for the posting of the Declaration of Independence, Bill of Rights and the Ten Commandments; and

BE IT FURTHER RESOLVED that the funding for such documents shall not include the use of Public Funds; and

BE IT FURTHER RESOLVED that such documents, at a minimum, must meet the following criteria: be of national historical significance as recognized by the general public; manifest our heritage and stimulate the moral welfare and domestic tranquility of the citizenry; be professionally designed and manufactured; be appropriate in design and size to meet a specifically allocated area; composed of materials to meet any applicable codes; and be cosmetically attractive. Such plan must be submitted to and approved by the Sullivan County Building Committee or the Sullivan County Commission.

(WAIVER OF RULES REQUESTED)

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

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

Duly passed and approved this 21 day of SEPT., 1998.

Attested: Jeanie F. Hammen Date: 9/21/98
County Clerk County Executive

INTRODUCED BY COMMISSIONER M. Gonce ESTIMATED COST: _____
SECONDED BY COMMISSIONER J. Blalock, B. Boyd, H. Patrick, O.W. Ferguson,
B. King, D. Houser, J. King, Jr., F. Childress, J. Carter, R. Morrell, S. Jones, W. McConnell,
P. Milhorn, M. Hyatt, G. Mayes, A. Pierce, D. Mason, M. Vance, E. Kilgore FUND: _____

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

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

COMMENTS: WAIVER OF RULES APPROVED 9/21/98 VOICE VOTE

THE RUTHERFORD INSTITUTE

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Founder and President

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Budapest, Hungary

February 23, 1996

*Attachment
Res# 30*

BY FACSIMILE

Senator Ben Atchley

Dear Senator Atchley:

We have received your faxed copy of Tennessee Attorney General Charles W. Burson's opinion regarding the Senate's Joint Resolution to encourage the observance of the Ten Commandments. We disagree with the Attorney General's analysis and his conclusion.

Attorney General Burson's analysis applies to *laws* not *resolutions*. Laws compel compliance, resolutions do not. Resolutions such as this simply encourage citizens to observe the Ten Commandments without obliging them to; therefore, such proclamations adversely affects no one. Since this Resolution will cause no injury in fact, no case or controversy exists under Article III of the United States Constitution. Consequently, no one will have standing to sue over the Resolution. (See, e.g., Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982).)

Attorney General Burson mentions Stone v. Graham, 449 U.S. 39, 101 S.Ct. 192 (1980) as his main authority to conclude that this resolution is unconstitutional. That *Kentucky case* is inapplicable to Tennessee's Ten Commandments Resolution because it deals with a *law* which *required* the posting of the Ten Commandments. As I stated previously, this Resolution will not compel such posting or other recognition, it will merely suggest such posting and recognition.

In Webster v. Reproductive Health Services, 492 U.S. 490 (1988), for example, the United States Supreme Court declined to rule on the constitutionality of a Missouri statute's preamble that stated "unborn children have protectable interests in life, health and well-being." Mo. Stat. Ann. §§1.205.1(1) and (2) (Vernon Supp. 1996). Despite the preamble's apparent conflict with Roe v. Wade, the Court decided that it was unnecessary to determine whether the language was constitutional because the preamble itself did not regulate abortion or the practice of the defendant abortion clinic. *Id.* at 504-07.

In addition, many legislatures have constitutionally acknowledged the historical significance of different religions. The courts have viewed such acknowledgement as a form of *accommodation* not a violation of the Establishment Clause of the First Amendment.

In County of Allegheny v. A.C.L.U., United States Supreme Court Justice Anthony Kennedy writes: "Government policies of accommodation, acknowledgement, and support for religion are an accepted part of our political and cultural heritage." The Court also stated that the Establishment Clause "permits the government some latitude in recognizing and accommodating the central role of religion in our society." Id. at 109 S.Ct. 3086, 3135 (1989). Similarly, in Lynch v. Donnelly, a case acknowledging the National Day of Prayer, the Supreme Court said:

There are countless other illustrations of Government's acknowledgement of our religious heritage and governmental sponsorship of graphic manifestations of that heritage. Congress has directed the president to proclaim a National Day of Prayer each year... Our presidents have repeatedly issued such proclamations. Presidential Proclamations and messages have also been issued to commemorate Jewish Heritage Week... and the Jewish High Holy Days... Through this accommodation, as Justice Douglas observed, governmental action has "followed the best of our traditions" and has "respected the religious nature of our people."

Lynch, 104 S.Ct. 1355, 1361 (1984). Chief Justice Burger added:

There is an unbroken history of official acknowledgement by all three branches of government of the role of religion in American life from at least 1789... [I]n our modern, complex, society whose traditions and constitutional underpinnings rest on and encourage diversity and pluralism in all areas, an absolutist approach in applying the Establishment Clause is simplistic and has been uniformly rejected by the court.

Id. In addition, the Supreme Court in Marsh v. Chambers, 463 U.S. 783 (1983), recognized the historical Judeo-Christian tradition that exists in our country by upholding Nebraska's practice of opening each legislative day with prayer.

In summary, no one has the right to sue under resolutions and courts have recognized that governments may acknowledge the religious heritage of their citizenry. Thus, The Rutherford Institute disagrees with Attorney General Burson's opinion that the Tennessee Senate's Joint Resolution encouraging the observance of the Ten Commandments is constitutionally impermissible.

I hope you find this information beneficial. If The Rutherford Institute may be of further assistance to you regarding this matter, please feel free to contact us.

Sincerely yours,

THE RUTHERFORD INSTITUTE

Rita R. Woltz, Esq.
Legal Coordinator

cc: John W. Whitehead, Esq., President

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
500 CHARLOTTE AVENUE
NASHVILLE, TENNESSEE 37243-0497

Handwritten initials and signature

February 21, 1996

OPINION NO. 96-022

Constitutionality of Senate Joint Resolution 328

QUESTION

Does Senate Joint Resolution 328, "A RESOLUTION to encourage the observance of the Ten Commandments," violate the First Amendment to the United States Constitution or the provisions of the Tennessee Constitution?

OPINION

Senate Joint Resolution 328 violates the Establishment Clause of the First Amendment to the United States Constitution. In view of this opinion, a discussion of the Tennessee Constitution is unnecessary.

ANALYSIS

The Establishment Clause states: "Congress shall make no law respecting an establishment of religion." It is applicable to the states through the Fourteenth Amendment. School District of Abington Township v. Shupp, 374 U.S. 203, 83 S.Ct. 1560, 10 L.Ed.2d 844 (1963). Establishment Clause cases are evaluated using a three part test from Lemon v. Kurtzman, 403 U.S. 602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971).¹ This test indicates that for a statute to be valid under the Establishment Clause of the First Amendment, it must have a secular purpose, its principal or primary effect must be one that neither advances nor inhibits religion, and it must not create excessive entanglement of government with religion. Wallace v. Jaffree, 472 U.S. 38, 55, 105 S.Ct. 2479, 2489, 86 L.Ed.2d 29 (1985). This Office has previously concluded that the Lemon analysis of Establishment Clause questions is still applicable. Op. Tenn. Atty. Gen. 93-42 (May 10, 1993).

¹The United States Supreme Court in Lee v. Weisman, 505 U.S. 577, 112 S.Ct. 2649, 120 L.Ed.2d 467 (1992), did not expressly apply the Lemon test, but expressly declined to reconsider Lemon. The Sixth Circuit Court of Appeals still uses the Lemon test. Hawley v. City of Cleveland, 24 F.3d 814 (6th Cir. 1994); Americans United for Separation of Church and State v. City of Grand Rapids, 980 F.2d 1538, 1543 (6th Cir. 1992).

0265

Page 2

Senate Joint Resolution 328 reads:

A RESOLUTION to encourage the observance of the Ten Commandments.

WHEREAS, the foundation of any government is law and morality; and

WHEREAS, governments rely on the virtue of their citizens to preserve domestic tranquillity; and

WHEREAS, moral decline in society constitutes a threat to the welfare of any state; and

WHEREAS, the Founding Fathers of our Republic respected the place that the Ten Commandments occupy in the history of law and government; and

WHEREAS, we have seen breakdown in our own culture due to a neglect of these basic standards; and

WHEREAS, a return to these standards would greatly benefit all people, now, therefore.

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING. That we hereby encourage every citizen of Tennessee to observe the Ten Commandments, teach them to their children, and display them in their homes, businesses, schools, and places of worship, and that ten days, starting the fifth day of May in the year of our LORD nineteen hundred and ninety-six, be set aside particularly to honor these Commandments.

The initial clauses justify the resolution for moral, historical and social reasons.

It is the opinion of this Office that the constitutionality of this resolution is controlled by Stone v. Graham, 449 U.S. 39, 101 S.Ct. 192, 66 L.Ed.2d 199 (1980). This case involved a Kentucky statute that required the posting of the Ten Commandments, purchased with private contributions, on the wall of each public classroom in the state. The statute required the following notation at the bottom of each display of the Ten Commandments: "The secular application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of Western Civilization and the Common Law of the United States." Stone v. Graham, 449 U.S. at 41, 101 S.Ct. at 193, quoting Ky. Rev. Stat. § 158.178 (1980). The Commonwealth used this statement to argue that the law met the secular purpose portion of the Lemon test. The United States Supreme Court found that this "avowed" purpose was "not sufficient to avoid conflict with the First Amendment." Stone v. Graham, 449 U.S. at 41, 101 S.Ct. at 193-94. The Court held that the purpose of the law

Page 3

was religious.

The pre-eminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature. The Ten Commandments are undeniably a sacred text in the Jewish and Christian faiths, and no legislative recitation of a supposed secular purpose can blind us to that fact. The Commandments do not confine themselves to arguably secular matters, such as honoring one's parents, killing or murder, adultery, stealing, false witness, and covetousness. See Exodus 20:12-17; Deuteronomy 5:16-21. Rather, the first part of the Commandments concerns the religious duties of believers: worshipping the Lord God alone, avoiding idolatry, not using the Lord's name in vain, and observing the Sabbath day. See Exodus 20:1-11; Deuteronomy 5:6-15.

Stone v. Graham, 449 U.S. at 41-42; 101 S.Ct. at 194 (footnote omitted).²

It is the opinion of this Office that under the reasoning of Stone v. Graham, supra, a court would determine that the purpose of the resolution is pre-eminently religious. Consequently it would have no secular purpose and fail the first prong of the Lemon test.


Additionally, a resolution "to encourage the observance of the Ten Commandments" violates the Establishment Clause as an endorsement of religion. Although a joint resolution is not a law but is rather an expression of legislative intent (see Op. Tenn. Atty. Gen. 81-180 (May 22, 1981)), the resolution unquestionably provides official state encouragement for observance of the Ten Commandments and therefore has the effect of advancing religion in violation of the second prong of the Lemon test. In his concurrence in Lee v. Weisman, supra, Justice Souter rejected the contention of the petitioners that government may constitutionally endorse religion so long as it does not coerce religious conformity. He observed that "over the years this Court has declared the invalidity of many non-coercive state laws and practices conveying a message of religious endorsement." Id., 112 S.Ct. at 2671. Two examples cited were County of Allegheny v. American Civil Liberties Union, 492 U.S. 573, 109 S.Ct. 3086, 106 L.Ed.2d 472 (1989) (the members of the Court found the display of a nativity scene on public property unconstitutional as a state endorsement of Christianity) and Texas Monthly v. Bullock, 489 U.S. 1, 109 S.Ct. 890, 103 L.Ed. 1 (1989) (tax exemption benefiting only religious publications effectively endorses religious belief).

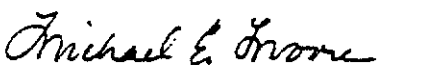
This Office's conclusion that Senate Joint Resolution 328 violates the Establishment Clause does not mean that every use of the Ten Commandments by the government is unconstitutional. For example, in the school context, the Bible may constitutionally be used in an appropriate study of

²It did not matter to the Court that the posted copies of the Ten Commandments were financed by voluntary private contributions, since the mere posting of the copies under the auspices of the Legislature provided the official support of the state government that the Establishment Clause prohibited. Stone v. Graham, 449 U.S. at 42, 101 S.Ct. at 194.

Page 4

history, civilization, ethics, comparative religion, or the like." Stone v. Graham, 449 U.S. at 42, 101 S.Ct. at 194. Furthermore, the display of the Ten Commandments in a public building or on public property does not violate the Establishment Clause as long as the context does not have the effect of endorsing religion. Harvey v. Cobb County, Ga., 311 F.Supp. 669 (N.D.Ga. 1993), aff'd 15 F.3d 1097 (11th Cir. 1994), cert. denied, ___ U.S. ___, 114 S.Ct. 2138, ___ L.Ed.2d ___ (1994) (display of the Ten Commandments and the Great Commandment standing alone in county courthouse violates the Establishment Clause, but order stayed for four months to give defendant an opportunity to include the panel in a larger display of non-religious, historical items); State of Colorado v. Freedom from Religious Foundation, 898 P.2d 1013 (Colo. 1995), cert. denied (No. 95-527 February 20, 1996) (display of monument inscribed with a version of the Ten Commandments and other religious and non-religious symbols in state owned park next to state capitol along with various other monuments representing different historical and cultural events negated any suggestion that the government was endorsing religion and therefore did not violate the Establishment Clause.)


CHARLES W. BURSON
Attorney General and Reporter


MICHAEL E. MOORE
Solicitor General


ANDY D. BENNETT
Associate Chief Deputy

Requested by:
The Honorable Stephen J. Cohen
State Senator
8 Legislative Plaza
Nashville, Tennessee 37243

Attachment # 30 1268

Allocation of Space for Placement of Historical Documents.

Whereas the Sullivan County Commission embraces the foundation on which it and the United States were founded; and

Whereas our foundation is supported by three (3) key historical documents, which should be publicly displayed as a reminder to elected officials and the citizens; and

Whereas we must preserve our heritage for future generations by acknowledging and recognizing such documents; Now

Therefore Be It Resolved that the Sullivan County Commission allocate space in the Commission Chambers of the Blountville Courthouse and in or around other publicly owned buildings as deemed appropriate by the Sullivan County Commission, for the posting of the Declaration of Independence, Bill of Rights, and the Ten Commandments; and

Further Be It Resolved that the funding for such documents shall not include the use of Public Funds; and

Further Be It Resolved that such documents, as a minimum, must meet the following criteria: be of national historical significance as recognized by the general public; manifest our heritage and stimulate the moral welfare and domestic tranquility of the citizenry; be professionally designed and manufactured; be appropriate in design and size to meet a specifically allocated area; composed of materials to meet any applicable codes; and be cosmetically attractive. Such plan must be submitted to and approved by the Sullivan County Building Committee or the Sullivan County Commission.

Waiver Of Rules Requested.

Sponsored By: (Let each Commissioner Sign-On to this Resolution)

Mike Gonce	<i>Bryan K. Boyd</i>
Jim Blalock	<i>Samuel Jones</i>
HOWARD PATRICK	<i>R. Wayne McConnell</i>
<i>O.W. Ferguson</i>	<i>Paul Wilham</i>
<i>James "Bubby" King</i>	<i>Marvin Hyatt</i>
<i>Lewis Danson</i>	<i>Larry Mayes</i>
<i>James L. King, Jr.</i>	<i>Archie D. Rose</i>
<i>Fred Childress</i>	<i>Bryant Mason</i>
<i>June Carter</i>	<i>Wahyt Vance</i>
<i>Randy C. Moulle</i>	<i>Elliot Kilgore</i>

The County Commission adjourned from Regular Session and went into Executive Session to discuss the pending lawsuit of Rick Webb v. Sullivan County. Thereafter, the Commission went back into Regular Session at which time Commissioner Ralph Harr made a motion, which motion was duly seconded by Commissioner Mark Vance, that inasmuch as it appears that the plans discussed today are the plans which were reviewed by the Administrative Committee in 1994 and are the plans which Mr. Rick Webb provided to TVA at TVA's request in February, 1994 that the County Commission approve said plans, a copy of which is attached hereto, as a part of the contract between Sullivan County and Rick Webb which was signed back in February of 1994, which motion was approved by Roll Call Vote.

MOTION
9/21/98
0270

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

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

COMMENTS: Motion approved by roll call vote 09/21/98

0271
Attachment
to motion
9/21/98

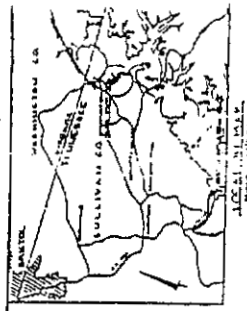
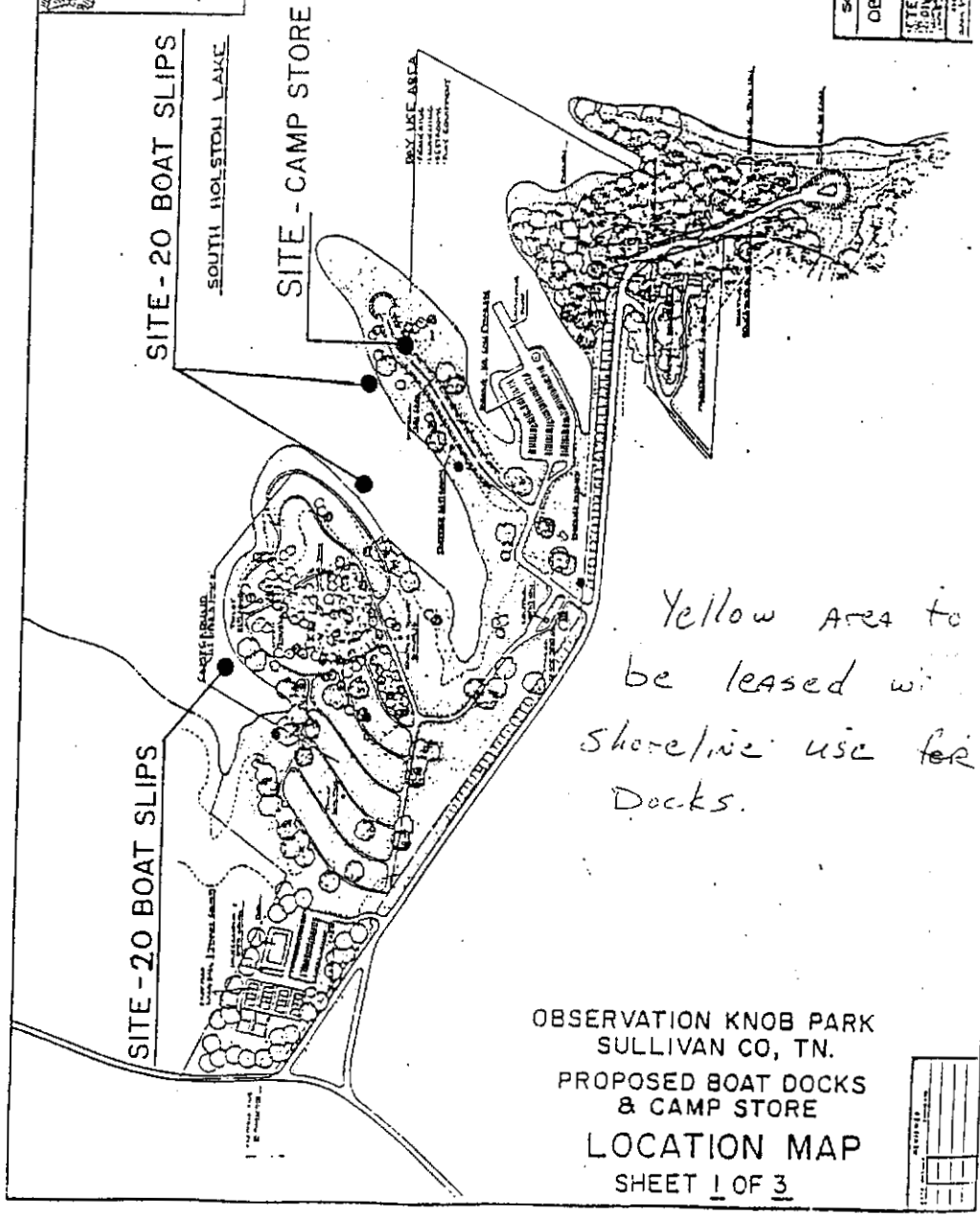


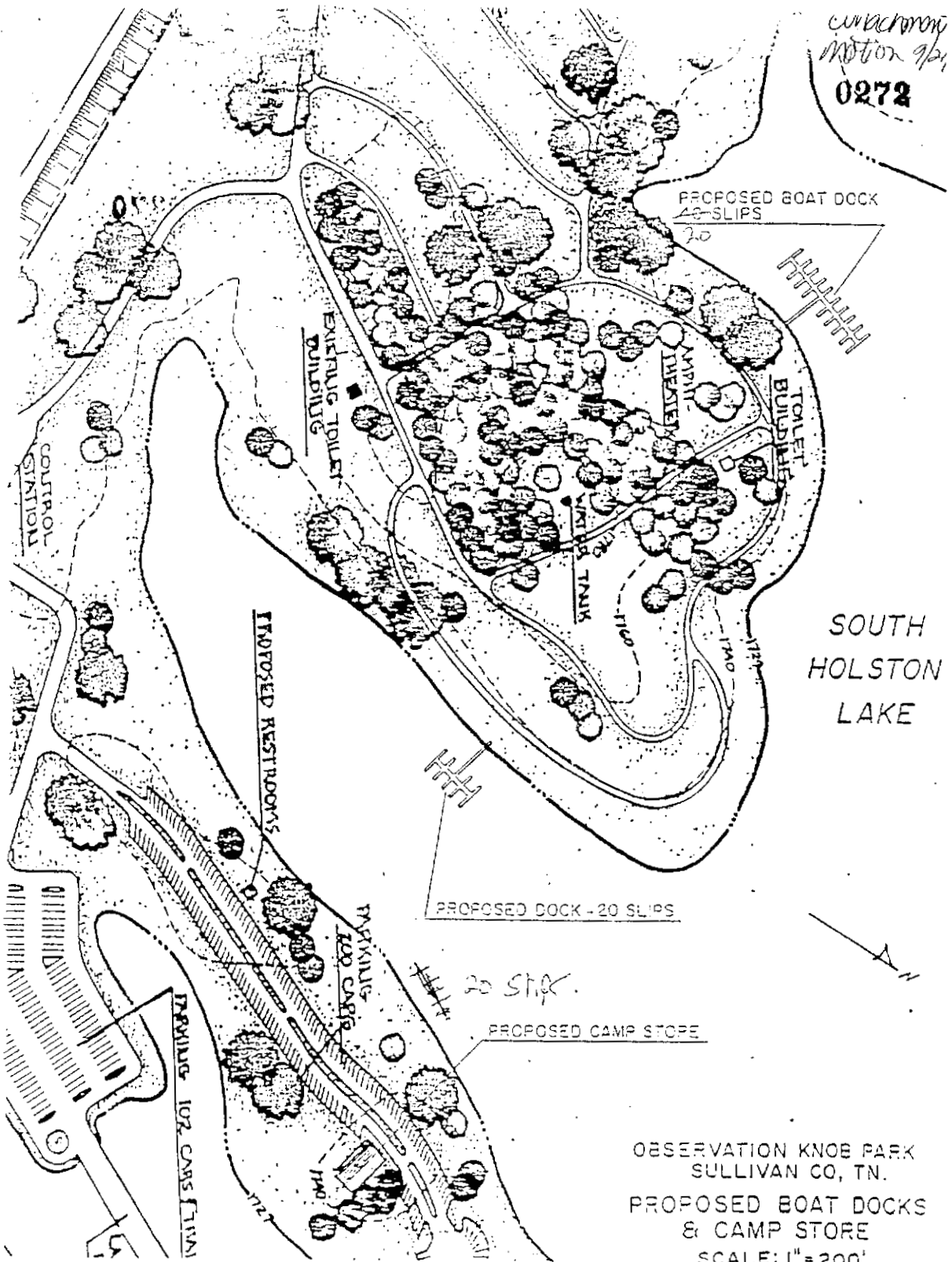
EXHIBIT C

SOUTH HOLSTON RESERVOIR
OBSERVATION KNOB PARK
SULLIVAN COUNTY, TENNESSEE

TENNESSEE RECREATION AUTHORITY
DIVISION OF RECREATION
1000 WEST WASHINGTON AVENUE
MEMPHIS, TENNESSEE 38103



CONCEPT
NOTION 9/24
0272



SOUTH
HOLSTON
LAKE

OBSERVATION KNOB PARK
SULLIVAN CO, TN.
PROPOSED BOAT DOCKS
& CAMP STORE
SCALE: 1" = 200'

Sullivan County

Gil Hodges
County Executive



P.O. BOX 509
BLOUNTVILLE, TENNESSEE
37617
PHONE
615 / 323-6417

M E M O R A N D U M

TO: Sullivan County Board of Commissioners
FROM: Gil Hodges *GH*
DATE: September 16, 1998
SUBJECT: Appointing Membership of the
"Adult-Oriented Establishment Board"

In order to comply with the provisions of the "Adult-Oriented Establishment Registration Act of 1998" which Sullivan County adopted with the approval of Resolution No. 14 on July 20, 1998, a board composed of five members is to be appointed by the County Executive.

I initially appointed five members of the Beverage Board to serve in a temporary capacity as the Adult-Oriented Establishment Board. Since membership of the Beverage Board changed somewhat with the appointment of newly elected commissioners to the Board, I feel it is now necessary to establish the permanent board with its membership appointed to four (4) year terms as required by state law. The County Attorney has advised me that subsequent to the Beverage Board's meeting of September 9, 1998, four of the current members expressed their willingness to serve in this capacity, and one member expressed his desire not to serve on the Adult Oriented Establishment Board. Therefore, based on the foregoing, I am hereby appointing Commissioners Blalock, Houser, Kilgore, Milhorn and Surgenor to serve on the Adult-Oriented Establishment Board, effective September 16, 1998.

The County Attorney has also advised that a work session has been scheduled for September 30, 1998 at 7:00 p.m.

AND THEREUPON, COUNTY COMMISSION ADJOURNED TO MEET AGAIN IN
REGULAR SESSION OCTOBER 19, 1998.

COUNTY EXECUTIVE
GIL HODGES

