

COUNTY COMMISSION MEETING - DECEMBER 18, 1995

REGULAR SESSION

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, DECEMBER 18, 1995, 9:00 O'CLOCK A. M. IN BOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE GIL HODGES, COUNTY EXECUTIVE, GAY B. FEATHERS, COUNTY CLERK AND KEITH CARR, SHERIFF OF SAID BOARD OF COMMISSIONERS OF SULLIVAN COUNTY,

TO WIT:

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

Commissioners present and answering roll call are as follows:

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

24 Present

Motion was made by Commissioner Ralph Harr and second by Commissioner Marvin Hyatt to approve the minutes of the Regular Session of County Commission held on November 20, 1995. Motion approved - Voice Vote.

The meeting was opened for public comments and a total of twenty nine (29) citizens of Sullivan County spoke in reference to the resolution on "Regulations Governing Health and Safety Standards of Residential and Non-Residential Properties - 17 opposing the resolution and 12 supporting the resolution.

The following pages indicates the action by the Commission on approval of Notary Applications, approval of Notary Bonds using personal sureties, rezoning requests and resolutions.

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 December 1995.

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 18th day of December 1995.

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 18th day of December 19__ 95

Gay B. Lechner Date: 12/18/95 *Gil Hodges* Date: 12-18-95
County Clerk County Executive

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call					
Voice Vote					

COMMENTS: Motion by: Comm. Vance and 2nd by Comm. Harr
to approve APPROVED 12/18/95 VOICE VOTE

SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS

December 18, 1995

Consider the following:

Motion by: Comm. Vance (1) File # 11/95-3 A request by Junior C. Bishop to rezone the property described below from R-1 to R-2:
 2nd by: Comm. Harr TO APPROVE REQUEST APPROVED 12/18/95 ROLL CALL 24 Aye
 Being a tract of land located in the 11th Civil District on the south side of Leeland Drive approximately 160 feet west of its intersection with Claremont Road and further described as parcel 41.00 group C map 30-J of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 11/95-3, Junior C. Bishop Request

Junior C. Bishop requested that a tract of land located in the 11th Civil District on the south side of Leeland Drive approximately 160 feet west of its intersection with Claremont Road be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

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

Motion Belcher, second Hickam to approve the request as recommended by staff. Vote in favor of the motion: Belcher, Hickam, Kiser, Barnes, Brown, Goodwin; vote opposed, none; abstain: Childress. The motion carried 6 to 0 with 1 abstention.

Motion by: (2) File # 11/95-4 A request by Lena J. Worley to rezone the property described below from R-1 to R-2:
 Comm. Vance R-2: TO APPROVE REQUEST APPROVED 12/18/95 ROLL CALL 24 Aye
 2nd by: Comm. Harr Being a tract of land located in the 16th Civil District on the north side of Vicars Road approximately 600 feet south of its intersection with Duty Drive and further described as parcel 27 group B map 111-B of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 11/95-4, Lena J. Worley Request

Lena J. Worley requested that a tract of land located in the 16th Civil District on the north side of Vicars Road approximately 600 feet south of its intersection with Duty Drive be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

Peggy Cook was present representing the applicant. No opposition was presented. Staff stated the request was compatible with existing land use patterns and recommended approval.

Motion Hickam, second Childress, to approve the request as recommended by staff. Vote in favor of the motion: Hickam, Childress, Kiser, Goodwin, Greene; vote opposed: Belcher, Barnes; abstain: Brown. The motion carried 5 to 2 with 1 abstention.

Motion by: (3) File # 11/95-10 A request by Teresa Chase to rezone the property described below from R-1 to
 Comm. Vance R-2: TO APPROVE REQUEST APPROVED 12/18/95 ROLL CALL 12/18/95
 2nd by: Being a tract of land located in the 5th Civil District on the north side of Meadowview Road
 Comm. Harr approximately 3000 feet north of its intersection with Medical Park Blvd. and further described
 as parcel 119.20 map 19 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 11/95-10, Teresa Chase Request

Teresa Chase requested that a tract of land located in the 5th Civil District on the north side of Meadowview Road approximately 3000 feet north of its intersection with Medical Park Blvd. be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

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

Motion Belcher, second Hickam to approve the request as recommended by staff. Vote in favor of the motion: Belcher, Hickam, Kiser, Goodwin, Childress, Barnes; vote opposed: none; abstain: Brown. The motion carried 6 to 0 with 1 abstention.

(4) File # 9/95-2 A request by Roby Shaw to rezone the property described below from A-1 to B-3:

DEFERRED 12/18/95 Applicant's request
 Being a tract of land located in the 6th Civil District on the south side of Deck Valley Road approximately 2500 feet south of its intersection with U.S. Hwy. 11-W and further described as parcel 34.00 map 18 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 9/95-2, Roby Shaw Request

Roby Shaw requested that a tract of land located in the 6th Civil District on the south side of Deck Valley Road approximately 2500 feet south of its intersection with U.S. Hwy. 11-W be rezoned from A-1 to B-3 to permit the location of automobile sales.

The applicant was present. No opposition was presented. Staff stated the proposed rezoning was incompatible with the primarily residential character of the area and should be located on a major road not a residential street. Staff recommended the request be denied.

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

Motion by: (5) File # 11/95-8 A request by Carl E. Phipps to rezone the property described below from R-1 to
 Comm. Harr R-2: TO DEFER DEFERRED 12/18/95 ROLL CALL 29 Aye, 4 Nay
 2nd by: Being a tract of land located in the 4th Civil District on the west side of State Route 37
 Comm. Vance approximately 600 feet south of its intersection with Woodway Circle and further described as
 parcel 35.00 map 67 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 11/95-8, Carl E. Phipps Request

Carl E. Phipps requested that a tract of land located in the 4th Civil District on the west side of State Route 37 approximately 600 feet south of its intersection with Woodway Circle be rezoned from R-1 to R-2 to permit the location of a single-wide mobile home.

The applicant was present. No opposition was presented. Staff stated that the predominate character of the neighborhood was conventional stick built single family homes and that the proposed use would be intrusive and incompatible with existing land use patterns. Staff further stated that an undesirable precedent would be set by the proposed rezoning and recommended the request be denied.

Motion Brown, second Barnes to deny the request as recommended by staff. Vote in favor of the motion: Brown, Barnes, Childress, Hickam, Goodwin, Vote opposed: Kiser, abstain: Belcher. The motion carried 5 to 1 with 1 abstention.

ELECTION OF NOTARIES

Rebecca Bowman
David W. Brewster, II
Delta Conkin
Donna Bonnet Dillow
Janice D. Duncan
Atina L. Fitzgerald
Kimberly C. Hale
Rose P. Hammonds
Inez Herrmann
James C. Johnson
Larry R. Kerns
Cheryl Kirk
Tina Robin Marshall
Janie Maxey
Rhnea S. McCartney
Joe A. Musselwhite
Rebecca J. Myers
Shirley P. Ratcliff
Joseph W. Rutherford
D. H. Salyer
J. W. Sampson
Ann H. Slagle
Anita K. Smith
MeLinda Templeton
Norma LaBean Tremblay

Upon motion made by Commissioner Ralph Harr and second by
Commissioner Marvin Hyatt to approve the above named Notary
applicants, said motion was approved by roll call vote
of the Commission.

24 Aye

DECEMBER 18, 1995

APPROVAL OF NOTARY PUBLIC

SURETY BONDS

Linda W. Chambers

Randy M. Kennedy

Tammy L. Mirtich

Mary P. Rossie

Tina S. Stacy

Jane H. Wright

Upon motion made by Commissioner Ralph Harr and second by Commissioner Marvin Hyatt to approve the personal surety Notary Bonds of the above named persons, said motion was approved by roll call vote of the Commission.

24 Aye

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION THIS THE 20th DAY OF NOVEMBER, 1995.

RESOLUTION AUTHORIZING Sullivan County to enter into Agreement with City of Bristol, Tennessee for Proposed Parking Lot at the City/County Building Expansion in Bristol, Tennessee

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 November, 1995.

THAT WHEREAS, the City of Bristol, Tennessee has submitted a proposed Agreement, a copy of which is attached hereto, to Sullivan County for the proposed shared construction and use of a parking lot necessary by reason of the City/County Building Expansion Project in Bristol; and

WHEREAS, the City of Bristol, Tennessee has negotiated a thirty (30) year Lease Agreement with United Cities Gas Company for use of property adjacent to the City/County Building as a parking lot; and

WHEREAS, the City of Bristol, Tennessee proposes to Sullivan County that they share the cost of said parking lot construction, landscaping, lighting and paving as well as construction of a pedestrian bridge on a fifty/fifty basis. As payment to United Cities Gas Company for use of the property, Sullivan County and the City of Bristol will agree to reimburse United Cities Gas an amount equivalent to the City and County property taxes assessed against the property. In return, Sullivan County shall have full use of said parking lot and pedestrian bridge during the lease period.

NOW, THEREFORE, BE IT RESOLVED that the Sullivan County Executive is hereby authorized on behalf of Sullivan County to enter into the proposed Agreement with the City of Bristol, Tennessee regarding the proposed parking lot adjacent to the City/County Building Expansion in Bristol.

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 18th day of December 1995.

Attest: Gay B. Lecher Date: 12-18-95 Gil Hodges Date: 12-18-95
County Clerk County Executive

INTRODUCED BY COMMISSIONER R. Harr ESTIMATED COST: _____
 SECONDED BY COMMISSIONER M. Vance FUND: _____

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				<u>11/06/95</u>
Budget				
Executive				

NO ACTION

PROPOSED AMENDMENT

Res. #9 - Sullivan County to enter into Agreement with
City of Bristol, TN for Proposed Parking Lot at the
City/County Building Expansion in Bristol, TN

ADD THE FOLLOWING PARAGRAPH:

FURTHER BE IT RESOLVED, That \$50,000 be appropriated to pay Sullivan County's portion of construction cost of parking lot and pedestrian bridge for the Bristol Municipal Building Project. The appropriation will be as follows:

GENERAL FUND

FROM:	Acct. 35190.000		
	<u>Designated Reserve - Bristol Courthouse</u>	- \$50,000	
TO:	Acct. 51811.300		
	<u>Bristol Municipal Building Project</u>	+ \$50,000	

RESOLUTION NO. 9 3

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	20	4			
Voice Vote					

COMMENTS: FIRST READING 11/20/95 APPROVED 12/18/95 ROLL CALL
WITH AMENDMENT

THIS AGREEMENT is made and entered into as of the _____ day of _____, 1995 by and between the City of Bristol Tennessee (hereinafter the "City"), a municipal corporation, and the County of Sullivan County, Tennessee (hereinafter the "County").

WHEREAS, the City and the County have agreed to allocate certain construction costs of the proposed City/County Building Expansion in Bristol, Tennessee; and,

WHEREAS, it is necessary to create an alternative parking area for the proposed City/County Building Expansion in Bristol, Tennessee; and,

WHEREAS, the City is presently negotiating a 30-year lease with the owner (United Cities Gas Company) of adjacent land necessary for said alternative parking, which permits the city to pave over the necessary parking lot and construct the necessary pedestrian bridge over Beaver Creek; and,

WHEREAS, the City and the County agree upon an allocation of their respective obligations and desire to memorialize the terms of their agreement.

NOW, THEREFORE, for and in consideration of the mutual promises of the parties and the benefits to be derived therefrom, the City and the County agree as follows:

1. The City will enter into a long-term (30-year) lease with the owner (United Cities Gas Company) of the following described property situated in the Seventeenth (17th) Civil District of Sullivan County, Tennessee, and being more particularly described as follows, to-wit:

BEGINNING at a marked post located on the face of a rock wall on the sideline of Beaver Creek, which marked post is located S. 04 deg. 56' W. 37.5 feet, more or less, from a chain link fence; thence S. 4 deg. 56' W. 186.80 feet to an iron pin set; thence N. 89 deg. 11' W. 179.50 feet to an iron pin set in the center of Little Creek; thence with the center of Little Creek N. 31 deg. 27' W. 251.80 feet to an iron pin set; thence S. 88 deg. 17' E. 211.33 feet to a railroad spike set; thence S. 2 deg. 51' W. 17 feet to a point; thence S. 86 Deg. 05'50" E. 116.80 feet to a marked post, the point of BEGINNING, and containing 1.17 acres, more or less, according to survey of Steven Gerald Cross, RLS, dated March 8, 1991.

2. The terms of said lease between the City and United Cities Gas Company shall include covenants which allow said leased premises to be used for the purpose of a paved parking lot with pedestrian bridge over the creek to be constructed by the City. It is also understood by the City that there are underground gas lines and underground electrical lines on said property and that the City shall not do any grading or excavating which would interfere, damage, or disrupt said lines. It is also understood by the City that, as lessee, it may be liable for the costs of any necessary excavation in order to repair or maintain said lines damaged by construction and to place said premises in as good a condition as they were prior to said excavation. Any and all such line repair and premises restoration costs shall be included in the ultimate construction costs agreed to be borne by the City and County.
3. The total construction costs are hereby agreed to be allocated as follows:
 - (a) Parking lot construction, landscaping, lighting and paving - 50% County/50% City
 - (b) Pedestrian bridge to parking lot - 50% County/50% City
4. Although the City shall be the named lessee, it is hereby understood and agreed to by the parties that the County is to have full and unlimited use of said parking lot and pedestrian bridge during the lease period at no cost to the County, and City hereby agrees to take whatever action is necessary now or in the future to protect such use.
5. The terms of said lease between the City and United Cities Gas Company shall include covenants which allow that in consideration for the use and rental of said property, the City and County agree to reimburse United Cities Gas Company an amount equivalent to the City and County property taxes assessed against the property. Said sum shall be prorated and reimbursed to United Cities Gas Company as billed by the appropriate governmental authority; and in the event of an increase in property taxes, said payments will increase on a prorata basis. For periods when the term of the lease does not encompass the full calendar year, the rental (tax payments) shall be prorated accordingly. Therefore, the County hereby agrees to the above reimbursement to United Cities Gas Company of its property taxes as assessed

and paid by United Cities Gas Company during the period of the lease- term.

5. Immediately upon the execution of this Agreement by both parties, the City will commence executing its lease with United Cities Gas Company and constructing the necessary paved parking lot and pedestrian footbridge as part of the City/County Building expansion of Bristol Tennessee.
6. The City and the County will cooperate fully with each other in order to accomplish the construction and paving of the parking lot and construction of the pedestrian bridge on said premises to be leased from United Cities Gas Company.
7. Each party will execute any additional documents that may be necessary or appropriate now or in the future to effectuate the provisions of this Agreement.

CITY OF BRISTOL TENNESSEE

BY: _____
JOHN S. GAINES
Mayor

COUNTY OF SULLIVAN COUNTY, TENNESSEE

BY: _____
GIL HODGES
County Executive

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 20th DAY OF November 19 95.

RESOLUTION AUTHORIZING Fixing Jailer's Fee of Sullivan County for Misdemeanant Offenders held in the Sullivan County Correctional Facility

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 November 19 95

THAT WHEREAS, Tennessee Code Annotated, Section 8-260105, as amended by Chapter 896 of Public Acts of 1984, authorizing county legislative bodies to pass a resolution fixing the amount of jailer's fees which may be applied to misdemeanor prisoners for each 24 hour period. The prisoner is confined to local facility, and

WHEREAS, The Board of County Commissioners of Sullivan County is desirous that it be compensated for the housing of misdemeanor prisoners,

NOW THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners approves the following:

SECTION I. The jailer's fee for Sullivan County is hereby fixed at thirty-five dollars per misdemeanor prisoner per 24 hour period of confinement.
~~AMEND: 12/18/95 DELETE SECTION II. AND --~~

*Amend,
Delete
12/18/95*

SECTION II. Jailer's fees collected for misdemeanor prisoners shall be placed in the Sullivan County jail construction fund to be used to aid in liquidating the costs of any jail expansion. When costs associated with the expansion are liquidated, jailer's fees will become a source of revenue toward operating costs of the jail.

MONEY TO GO TO THE GNERAL FUND AS OTHER REVENUE.

SECTION III. The jailer's fee herein fixed shall be collected by the clerk of the appropriate court as a part of the fines and costs imposed in each misdemeanor case upon a finding of guilt.

SECTION IV. A copy of this resolution shall be transmitted to each clerk of court hearing misdemeanor matters in Sullivan County and shall be spread upon the minutes of this meeting by the County Clerk.

This resolution shall take effect upon adoption, the general welfare of Sullivan County requiring it.

Motion: This be on a trial basis for one year and the Sheriff to give Comm. Harr a report to the Commission at the end of six months.

2nd Comm. Vance 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 18th day of December, 19 95

Gay B. Feathers
County Clerk

Date: 12-18-95

Gil Hodges
County Executive Date: 12-18-95

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	24				
Voice Vote					

COMMENTS: FIRST READING 11/20/95
APPROVED AS AMENDED 12/18/95 ROLL CALL VOTE

TO THE HONORABLE GIL HODGES, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 20th DAY OF November 19 95.

RESOLUTION AUTHORIZING Sewer Needs in West Shipley Ferry Road Area

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 November 19 95

THAT WHEREAS, Installation of the main trunk line down the creek and down West Shipley Ferry Road would eliminate the \$38,664 cost of an elaborate pump station plus eliminate the need for a collector line, and _____

WHEREAS, The number of potential customers will be greatly expanded for a more permanent solution to the overall sewer needs in the Colonial Heights area, _____

NOW THEREFORE BE IT RESOLVED, That \$250,000 be appropriated to fund a main sewer trunk line to serve the potential needs of approximately 220 homes in West Shipley Ferry, Sandridge, Lebanon, Winesap, Crabapple, Grimes, Duchess, McIntosh, Druid Hills, Colonial Court, Droke and Chesterfield subdivisions of the West Shipley Ferry Road Area.
AMEND: 12/18/95 - Comm. Gonce - the unexpended balance of \$88,200 previously appropriated for this project be used for this project as well as the appropriation in this resolution.
Comm. Krell - This appropriation of funds to be taken from undesignated fund balance No 35140.

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 18th day of December, 19 95

Attested: B. Feathers County Clerk Date: 12-18-95 Gil Hodges County Executive Date: 12-18-95

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	24				
Voice Vote					

COMMENTS: FIRST READING 11/20/95 APPROVED AS AMENDED 12/18/95
ROLL CALL

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 December 19 95.

RESOLUTION AUTHORIZING Proposal for State Highway 93 Project 82010-2227-04, South of Lone Star/Mill Creek Road to South Galemont Road

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 December 19 95

THAT BE IT RESOLVED. That the Sullivan County Board of Commissioners approves the proposal from the Tennessee Department of Transportation, Project No. 82010-2227-04, State Route 93, from 0.15 +/- Mile South of SR-347 (Lone Star/Mill Creek Road) to South Galemont Road, 15th Civil District of Sullivan County. (A copy of the proposal is attached to this Resolution).

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

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

Duly passed and approved this 18th day of December, 1995

Gay B. Teague
County Clerk

Date: 12-18-95

Gil Hodges
County Executive Date: 12-18-95

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

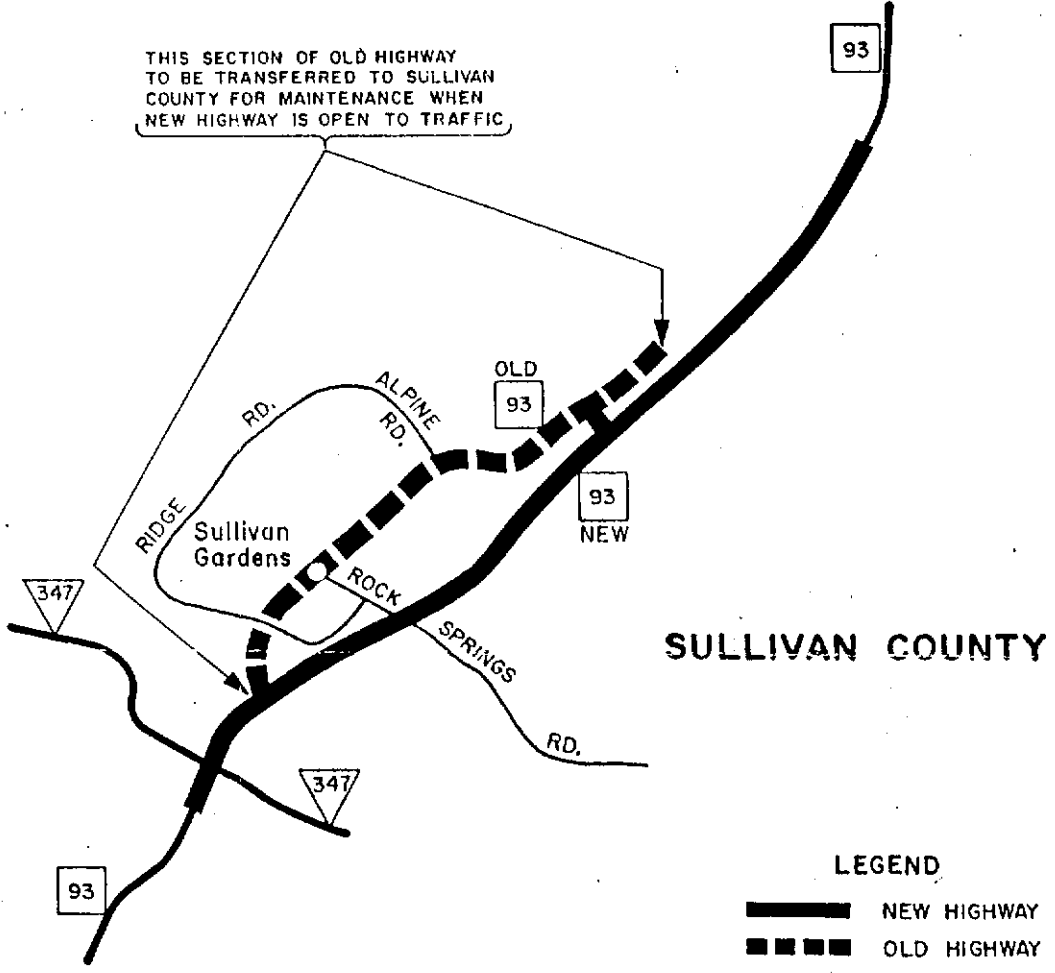
Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	24				
Voice Vote					

COMMENTS: WAIVER OF RULES APPROVED 12/18/95 ROLL CALL



*Attachment
Res # 10*



THIS SECTION OF OLD HIGHWAY
TO BE TRANSFERRED TO SULLIVAN
COUNTY FOR MAINTENANCE WHEN
NEW HIGHWAY IS OPEN TO TRAFFIC



LEGEND

-  NEW HIGHWAY
-  OLD HIGHWAY

Note: Map Not To Scale

*Attachment
Res # 10*

P R O P O S A L

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. 82010-2227-04, that is described as State Route 93 From 0.15 ± Mile South of SR-347 (Lone Star/Mill Creek Road) To South Galemont Drive, 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 _____, 1995.

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
J. Bruce Saltsman, Sr.
Commissioner

APPROVED:

BY: _____
Tim Gary
Department Attorney

RESOLUTION NO. 11

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 DECEMBER, 1995.

RESOLUTION AUTHORIZING the adoption of the provisions of Tennessee Code Annotated §67-5-221 Relative to Property Owned by a Charitable Organization for Low-Income Housing

WHEREAS, TENNESSEE CODE ANNOTATED §67-5-221 AUTHORIZES COUNTIES TO implement procedures to allow tax-exempt status for property owned by a charitable organization for low income housing

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 18th day of December, 1995;

THAT, WHEREAS, Tennessee Code Annotated §67-5-221 allows counties to adopt, by resolution, provisions to give charitable organizations tax exempt status for property purchased for the purpose of constructing low-income housing for certain periods of time as provided by statute or until such time as construction is completed and the property is transferred to the adult head(s) of the low income housing, whichever first occurs.

NOW, THEREFORE, BE IT RESOLVED that Sullivan County hereby adopts the provisions of Tennessee Code Annotated §67-5-221 so as to allow charitable organizations tax exempt status for property which they own and hold purchase for the construction of low-income housing.

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 18th day of December 1995.

Attest: B. Feathers Date: 12/18/95 Gil Hodges Date: 12/18/95
 County Clerk County Executive

INTRODUCED BY COMMISSIONER P. Hubbard ESTIMATED COST: _____
 SECONDED BY COMMISSIONER M. Gonce 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 12/18/95 ROLL CALL

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 December 19 95.

RESOLUTION AUTHORIZING 35 MPH Speed Limit on Blountville By-Pass - 5th Civil District

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

_____ NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 18th day of December 19 95.

THAT BE IT RESOLVED, That a 35 mph speed limit be posted on the Blountville By-Pass from State Route 37 to State Route 126 as recommended in correspondence from the Sullivan County Highway Department.

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 18th day of December, 19 95

Attested: Ray B. Fentress Date: 12/18/95 Gil Hodges Date: 12/18/95
County Clerk County Executive

INTRODUCED BY COMMISSIONER Belcher ESTIMATED COST: _____
SECONDED BY COMMISSIONER Hicks/Milhorn 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: WAIVER OF RULES APPROVED 12/18/95 ROLL CALL

RESOLUTION NUMBER 13

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 December 19 95.

RESOLUTION AUTHORIZING "NO PARKING ON PAVEMENT" Signs Posted on Galloway Street - 12th Civil District

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

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 18th day of December 19 95

THAT BE IT RESOLVED, That NO PARKING ON PAVEMENT signs be posted on the left portion of Galloway street upon leaving West Carters Valley Road as recommended in correspondence from the Sullivan County Highway Department.

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 18th day of December, 19 95

Attested: Ray B. Feathers Date: 12/18/95 Gil Hodges Date: 12/18/95
County Clerk County Executive

INTRODUCED BY COMMISSIONER Ferguson ESTIMATED COST: _____
SECONDED BY COMMISSIONER 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 12/18/95 ROLL CALL

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 December 19 95.

RESOLUTION AUTHORIZING Reappointments to the Sullivan County Industrial Development Board

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

_____ NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 18th day of December 19 95.

THAT WHEREAS, The Sullivan County Industrial Development Board recommends the reappointment of two of its members whose terms expire on January 15, 1996.

NOW THEREFORE BE IT RESOLVED. That the Sullivan County Board of Commissioners confirms the reappointment of Mr. George Gibson to a term of six years and Mr. Al Nobles to a term of six years on the Sullivan County Industrial Development Board, said terms expiring on January 15, 2002.

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 18th day of December, 19 95
Attested: Gay B. Feathers Date: 12/18/95 Gil Hodges Date: 12/18/95
County Clerk County Executive

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

Committee Action	Approved	Disapproved	Deferred	Date
Administrative				
Budget				
Executive				

Commission Action	Aye	Nay	Pass	Absent	Total
Roll Call	24				
Voice Vote					

COMMENTS: WAIVER OF RULES APPROVED 12/18/95 ROLL CALL

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 December 19 95.

RESOLUTION AUTHORIZING Utilization of Computerized Voter Listing

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 December 19 95

THAT WHEREAS, Tennessee State Law provides for counties using computerized voter registration systems to use computer printouts to replace the duplicate registration records, and

NOW THEREFORE BE IT RESOLVED, That the Sullivan County Board of Commissioners approves the use of computerized voter registration printouts instead of duplicate registration records previously used.

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 18th day of December, 19 95

Ray B. Feathers
Attested: _____
County Clerk

Date: 12/18/95 *Gil Hodges* Date: 12/18/95
County Executive

INTRODUCED BY COMMISSIONER Belcher 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	22	1	1		
Voice Vote					

COMMENTS: WAIVER OF RULES APPROVED 12/18/95 ROLL CALL

AND THEREUPON COUNTY COMMISSION ADJOURNED TO MEET
AGAIN IN REGULAR SESSION JANUARY 15, 1996.

GIL HODGES, COUNTY EXECUTIVE