

COUNTY COMMISSION MEETING, SPECIAL CALLED SESSION

MONDAY MORNING

MAY 16, 1994

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN A SPECIAL CALLED SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, MAY 16, 1994 9:00 A. M. IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE O. W. FERGUSON, COUNTY COMMISSIONER AND CHAIRMAN PRO TEMPORE, GAY B. FEATHERS, COUNTY CLERK AND CAPTIAN CURTIS TACKETT, DEPUTY SHERIFF OF SAID BOARD OF COMMISSIONERS OF SULLIVAN COUNTY,

TO WIT:

The meeting was called to order by Chairman Pro Tempore, O. W. Ferguson. Captain Curtis Tackett with the Sullivan County Sheriff's Department opened the Commission meeting. Commissioner Jones Fortune gave the invocation and pledge to the flag was led by Chairman Pro Tempore, O. W. Ferguson.

Roll was called by County Clerk, Gay Feathers. Commissioners present and answering roll call are as follows:

CAROL BALCHER	EDLEY HICKS
JAMES R. (Jim) BLALOCK	MARVIN HYATT
EUGENE COOKENOUR	JAMES L. (JIM) KING
FRED CHILDRESS	CARL KRELL
MARGARET DEVAULT	WAYNE MCCONNELL
O. W. FERGUSON	HOWARD PATRICK
JONES FORTUNE	RONALD REEDY
RITA GROSECLOSE	CRAIG M. ROCKETT, JR.
RALPH P. HARR	MICHAEL RUTHERFORD
HOROLD CHILDRESS	MICHAEL SURGENOR
TERRY JONES	RANDY TRIVETT
	PAUL MILHORN

Absent - 1 (Robert L. (Bob) Ammons

The object and purpose of this Special Session is as follow:

- 1) First reading of a Resolution calling for the Sullivan County Board of Commissioners to challenge in a Court of Law, Ordinance 94-9 passed by the Bristol Tennessee Council to annex certain areas in the Tri-County Industrial Park at Piney Flats.
- 2) Public hearing of and action on Rezoning Request for May, 1994 Commission Meeting.

The following pages indicates the action taken by the Board of Commissioners regarding this Special Session.

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TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 16th DAY OF May 1994.

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 Special Session on the 16th day of May 1994

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; 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 16th day of May, 1994  
Attested: Gay B. Feather Date: 5/16/94 Wm. H. "John" McKamey Date: 5/16/94  
County Clerk County Executive

INTRODUCED BY COMMISSIONER Jones ESTIMATED COST: \_\_\_\_\_  
SECONDED BY COMMISSIONER Belcher/Trivett 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 5/16/94 ROLL CALL

## SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS

May 16, 1994

Consider the following:

Motion by: (1) File # 3/94-12 A request by Danny Morrison to rezone the property described below  
 Comm. F. Childress from R-1 to R-2: DEFERRED 5/16/94 Voice Vote  
 Seconded by: TO DEFER UNTIL JUNE  
 Comm. Hicks Being a tract of land lying in the 13th Civil District on the south side of Oasis Lane  
 approximately 400 feet west of its intersection with Saratoga Road and further described  
 as parcel 11 group C map 75-L of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 3/94-12, Danny Morrison Request.

Consider a request to rezone a tract of land located in the 13th Civil District on the south side of Oasis Lane  
 approximately 400 feet west of its intersection with Saratoga Road from R-1 to R-2 to permit the location of a single-wide  
 mobile home.

The applicant was present and spoke in support of the request. Opposition to the request was presented in the form of a  
 signed petition citing previous planning commission rejection of the same request and the negative impact of the  
 proposal on existing residential development. The petition was signed by Bob Carberry and 6 other property owners in  
 the neighborhood. Staff stated that the requested rezoning would be intrusive and incompatible with existing land use  
 patterns on Oasis Lane and recommended the request be denied.

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

Motion by: (2) File # 3/94-4 A request by L & M Properties to rezone the property described below  
 Comm. R. Childress from R-1 to PRD : APPROVED 5/16/94 ROLL CALL 21 Aye, 2 Nay, 1 Absent  
 Seconded by: TO APPROVE REQUEST  
 Comm. Blalock Being a tract of land lying in the 5th Civil District on the south side of State Route 37 at  
 the golf course and further described as parcels 14, 15 and 16 group B map 66-K of the  
 Sullivan County Tax Maps.

The Planning Commission took the following action:

Rezoning File No. 3/94-4, L &amp; M Properties Request.

Consider a request to rezone a tract of land located in the 5th Civil District on the south side of State Route 37 at the golf  
 course from R-1 to PRD to permit the location of condominiums.

The applicant was present. Mr. John Mize, surveyor, was present and spoke in support of the request. Mark Worley, area  
 resident spoke in opposition to the request citing existing flood problems in the Buncomb Road area contending the  
 flooding would be increased by the proposed development. Staff noted that the PRD designation would mandate site  
 plan approval including a complete drainage plan that would control surface water drainage on site. Staff also noted that  
 adjacent properties were zoned in a similar manner and this request would be compatible with surrounding land use  
 patterns. Staff recommended approval of a PRD zone.

Motion Holler, second Barnes to accept staff recommendation. Vote in favor of the motion: Holler, Barnes, Teague; vote  
 opposed: Belcher. The motion carried.

Motion by: (3) **File # 4/94-1** A request by Robert H. Montgomery to rezone the property described  
 Comm. H. Childress below from R-1 to PBD :  
 Seconded by: TO APPROVE REQUEST APPROVED 5/16/94 ROLL CALL 21 Aye, 2 Nay, 1 Absent  
 Comm. Blalock Being a tract of land lying in the 7th Civil District on the north side of State Route 126 at  
 its intersections with Montezuma Road and Kiowa Street and further described as parcel  
 9 group B map 49-1 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

Rezoning File No. 4/94-1, Robert H. Montgomery Request.

Consider a request to rezone a tract of land located in the 7th Civil District on the north side of State Route 126 at its intersections with Montezuma Road and Kiowa Street from R-1 to B-3 to permit the location of neighborhood shopping and offices.

The applicant was present and spoke in support of the request. Residents of the area, Russell Trimble, Harry Weaver, Jim Holland, Robert Chestnut spoke in opposition to the request citing possible negative impacts on the neighborhood including increased dangerous traffic conditions and the like. Staff stated that the requested B-3 designation would not be compatible with existing land use patterns surrounding the site and suggested amending the request to PBD to allow site plan review to insure that development would occur in a safe, compatible and non-intrusive way with existing land uses. The applicant accepted the suggestion and amended his request to PBD.

Motion Teague, second Holler to approve the request for PBD as recommended by staff. Vote in favor of the motion: Teague, Holler, Barnes; vote opposed, Belcher. The motion carried.

Motion by: Comm. Harr (4) **File # 4/94-2** A request by Mary H. Reece to rezone the property described below  
 Seconded by: from R-1 to R-2 :  
 Comm. McConnell TO APPROVE REQUEST APPROVED 5/16/94 ROLL CALL 23 Aye, 1 Absent  
 Being a tract of land lying in the 6th Civil District on the east side of Tri-State Lime Road  
 approximately 400 feet north of its intersection with Central Heights Road and further  
 described as parcel 45.10 map 16 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

Rezoning File No. 4/94-2, Mary H. Reece Request.

Consider a request to rezone a tract of land located in the 6th Civil District on the east side of Tri-State Lime Road approximately 400 feet north of its intersection with Central Heights Road from R-1 to R-2 to permit the location of a single-wide mobile home.

Linda Ellerson representing the applicant was present. No opposition was presented. Staff stated the request was compatible with existing land use patterns and recommended approval of an R-2 zone.

Motion Barnes, second Belcher to accept staff recommendation. Vote in favor of the motion: unanimous.

Motion by: Comm. Harr (5) **File # 4/94-3** A request by Billy Wayne Hickman to rezone the property described  
 Seconded by: below from R-1 to R-2 ;  
 Comm. McConnell TO APPROVE REQUEST APPROVED 5/16/94 ROLL CALL 23 Aye, 1 Absent

Being a tract of land lying in the 6th Civil District on the north side of Hickman Drive approximately 600 feet east of its intersection with Seneker Lane and further described as parcel 189 map 35 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

Rezoning File No. 4/94-3, Billy Wayne Hickman Request.

Consider a request to rezone a tract of land located in the 6th Civil District on the north side of Hickman Drive approximately 600 feet east of its intersection with Seneker Lane from R-1 to R-2 to permit the location of a single-wide mobile home.

The applicant was not present and no opposition was presented. Staff stated the request was compatible with existing land use patterns and recommended approval of an R-2 zone.

Motion Belcher, second Teague to accept staff recommendation. Vote in favor of the motion: unanimous.

Motion by: (6) File # 4/94-6 A request by James D. Shinn to rezone the property described below  
 Comm. Harr from A-1 to B-3 :  
 Seconded by: TO APPROVE REQUEST APPROVED 5/16/94 ROLL CALL 23 Aye, 1 Absent  
 Comm. Blalock Being a tract of land lying in the 7th Civil District on the east side of Rocky Branch Road approximately 100 feet south of its intersection with Pearl Lane and further described as parcel 91.20 map 78 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

Rezoning File No. 4/94-6, James D. Shinn Request.

Consider a request to rezone a tract of land located in the 7th Civil District on the east side of Rocky Branch Road approximately 100 feet south of its intersection with Pearl Lane from A-1 to B-3 to permit the location of a lawn mower repair shop.

The applicant was present and spoke in support of the request. No opposition was presented. Staff stated that the requested rezoning would be intrusive and incompatible with existing land use in the predominantly low density agricultural - residential area and recommended the request be denied.

The commission discussed the request. Motion Belcher, second Barnes to approve the requested rezoning to B-3 based on the reasoning that the rezoning would not be detrimental to existing development in the area. Vote in favor of the motion: Belcher, Barnes, Teague; vote opposed: Holler. The motion to approve rezoning to B-3 carried.

Motion by: (7) File # 4/94-7 A request by Fred and Betty Dixon to rezone the property described  
 Comm. Harr below from A-1 to PMD-1 :  
 Seconded by: TO APPROVE APPROVED 5/16/94 ROLL CALL 23 Aye, 1 Absent  
 Comm. McConnell Being a tract of land lying in the 16th Civil District on the west side of U. S. Highway 19-E at its intersection with the Southern Railroad ROW and further described as parcel 78.50 map 111 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

Rezoning File No. 4/94-7, Fred and Betty Dixon Request.

Consider a request to rezone a tract of land located in the 16th Civil District on the west side of U. S. Highway 19-E at its intersection with the Southern Railroad ROW from A-1 to M-1 to permit the location of a tool and die maker and machine shop.

The applicant was present. No opposition was presented. Staff recommended the request be amended and approved based on a planning commission proposed future land use study of the area to PMD-1 to allow site plan review insuring the safe and appropriate development of the property for manufacturing uses. The applicant accepted staff recommendation and amended the request to PMD-1

Motion Teague, second Holler to approve the amended request to PMD-1 as recommended by staff. Vote in favor of the motion: unanimous.

Motion by: (8) File # 4/94-8 A request by Madeline R. Harkelroad to rezone the property described below from A-1 to PMD-1 :  
Comm. Harr TO APPROVE REQUEST APPROVED 5/16/94 ROLL CALL 23 Aye, 1 Absent  
Seconded by: Being a tract of land lying in the 16th Civil District on the west side of U. S. Highway 11  
Comm. McConnell approximately 100 feet north of its intersection with Whitehead Road and further described as parcel 54 map 110 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

Rezoning File No. 4/94-8, Madeline R. Harkelroad Request.

Consider a request to rezone a tract of land located in the 16th Civil District on the west side of U. S. Highway 11 approximately 100 feet north of its intersection with Whitehead Road from A-1 to M-1 to permit the location of a sandblasting business.

The applicant was present. No opposition was presented. Staff stated the request was compatible with land use patterns in this area and recommended the request be amended to PMD-1 to allow site plan review insuring the safe and appropriate development of the property for manufacturing use. The applicant accepted staff recommendation and amended the request to PMD-1.

Motion Barnes, second Balcher to approve the amended request to PMD-1 as recommended by staff. Vote in favor of the motion: unanimous.

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 16th DAY OF May 19 94.

RESOLUTION AUTHORIZING Legal Proceedings Against the City of Bristol Tennessee Challenging Its Annexation on May 3, 1994 of Areas 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 Special Session on the 16th day of May 19 94

THAT BE IT RESOLVED, That the Sullivan County Board of Commissioners direct the County Attorney, John S. McLellan, III to institute legal proceedings against the City of Bristol Tennessee challenging its annexation on May 3, 1994 of areas outlined in its ordinance 94-9 which include Rock Lane from Highway 11-E to Mountain View Road, Bristol Tennessee Electric Sub Station, the sewer pump station and a Tennessee Valley Authority parcel in the Tri-County Industrial Park at Piney Flats.

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 Jones 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					
Voice Vote					

COMMENTS: FIRST READING 5/16/94

AND THEREUPON COUNTY COMMISSION ADJOURNED TO MEET AGAIN IN REGULAR  
ADJOURNED SESSION MAY 23, 1994.

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WILLIAM H. 'JOHN' MCKAMEY, COUNTY EXECUTIVE