

# COUNTY COMMISSION- REGULAR SESSION

NOVEMBER 18, 2002

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, NOVEMBER 18, 2002, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE RICHARD S. VENABLE, COUNTY EXECUTIVE, JEANIE F. GAMMON, COUNTY CLERK AND WAYNE ANDERSON, SHERIFF OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by County Executive Richard S. Venable. Sheriff Wayne Anderson opened the commission and Comm. Dennis Houser gave the invocation. Pledge to the flag was led by County Executive Richard S. Venable.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

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

24 PRESENT 0 ABSENT

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

Motion was made by Comm. Morrell and seconded by Comm. Hyatt to approve the minutes of the October 21, 2002 Regular Session of County Commission. Said motion was approved by voice vote.

**PUBLIC COMMENTS NOVEMBER 18, 2002**

**THOSE SPEAKING DURING PUBLIC COMMENTS WERE:**

1. Sid Lester, Piney Flats regarding having the Commission meetings at night rather than day where more people could attend and also rearranging the Commission room where the public can see and hear more.
2. Justin Weber with the Agriculture Extension Office thanking the Commission for the opportunity to go into the schools and work with the students.

12

File 2-00011225

QUESTIONS BEFORE THE COMM.

No.  
Roll  
Call

Notary  
No.  
App  
Bonds

No.

No.

No.

N

ON

NAMES OF COMMISSIONERS

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Garth Blackburn ✓  
Linda K. Bitternham ✓  
James "Moe" Brotherton ✓  
Ray Conkin A -  
John Crawford ✓  
O.W. Ferguson ✓  
Clyde Grosse, Jr. ✓  
Larry Hall ✓  
Ralph Harr ✓  
Joe Herron ✓  
Donnis L. Houser ✓  
Marvin L. Nyatt ✓  
Samuel C. Jones ✓  
Elliott Kilgore ✓  
James "Buddy" King ✓  
James L. King Jr. ✓  
R. Wayne McConnell A -  
John McKamey ✓  
Barry Monnell ✓  
Howard L. Patrick ✓  
Jack Sitgreaves ✓  
Michael Surgenor ✓  
Mark A. Vance ✓  
Eddie Williams ✓

voice  
vote  
app.

in at 10:50

in at 4:35

suppl.  
Vote

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

ELECTION OF NOTARIES

OCTOBER 21, 2002

Melany A. Austin	Sabrina Lewellen Johnson
Mary P. Barkley	Georgia M. Kiser
Selina D. Bartley	Jason S. Lester
Josie R. Brookins	James S. Montgomery
Tammie Jean Burgess	Melena R. Odum
Angelia Renee' Carmody	Kathy C. Patrick
Dan Carty	Raymond E. Phillips, Jr.
Terry A. Charles	Linda H. Quesenberry
Tina C. Coffman	Linda F. Reynolds
Deborah L. Corns	Robin Marie Rutherford
Angie Cowden	Lisa M. Snyder
Martha Jane Crawford	Steven K. Swinney
Tracy Fleck	Ann F. Utt
Gregory W. Francisco	Gorman Waddell
Kevin L. Frederick	Sara E. White
Renee D. Gaskins	Rodger A. Williams
Cathy C. Golden	Lola Ann Yates
Rhonda J. Goodman	David L. Clark
Cynthia D. Green	Ettie D. Brockley
Jerry D. Greene	Orville L. Cox
Debra G. Hale	Charlton R. DeVault, Jr.
Michelle S. Hatley	Terry G. Graybeal
Jennifer C. Hilton	Linda Kay Evans
Nicole Hogston	

Charles W. Howell  
Cynthia L. Huddleston

UPON MOTION MADE BY COMM. HARR AND SECONDED BY  
COMM. BUDDY KING TO APPROVE THE NOTARY APPLICATIONS  
HEREON, SAID MOTION WAS APPROVED BY VOICE  
VOTE OF THE COMMISSION.

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

APPROVAL OF NOTARY  
PUBLIC SURETY BONDS

NOVEMBER 18, 2002

Elaine Fields

Frank D. Gibson

Mary Lee Glover

Shelton B. Hillman, Jr.

Roger L. Kerns

Leanna M. Milton

Myrtle E. Osborne

Sandie Tolbert

Lisa Newsome Arnold

UPON MOTION MADE BY COMM. HARR AND SECONDED BY COMM. BUDDY KING TO  
APPROVE THE NOTARY BONDS OF THE ABOVE NAMED INDIVIDUALS, SAID MOTION WAS  
APPROVED BY VOICE VOTE OF THE COMMISSION.

## REZONING OVERVIEW

### SULLIVAN COUNTY COMMISSION MEETING

November 18 2002

[illegible]

# **Agenda**

Sullivan County Board of County Commission  
November 18, 2002

The Sullivan County Board of County Commissioners will hold a public hearing on Monday, November 18, 2002 at 9:00 A.M. in the Sullivan County Courthouse, Blountville, TN to consider the following requests:

- (1) File No. 09/02/01 Stanley Keebler  
Reclassify R-1 property at 114 Allison Road and 106 Belle Road to P.B.D. (Planned Business District) for the purpose of future business. Property ID. No. Tax map 124-O, Group B, Parcels 19.00, 19.10 and 20.00. located in the 9<sup>th</sup> Civil District. **Sullivan County Planning**

PETITION TO SULLIVAN COUNTY FOR REZONING

#09102101

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

Property Owner Stanley Keebler

Address P.O. Box 1222

Johnson City, TN 37605

Phone 282-5040 Date of Request 08-29-02

Property Located in 9<sup>th</sup> Civil District

[Signature]  
Signature of Applicant

OFFICE USE ONLY

Meeting Date Oct. 15 Time 7:00 P.

Place Blountville  
Historic Courthouse

Planning Commission Approved \_\_\_\_\_  
Denied \_\_\_\_\_

County Commission Approved X  
Denied \_\_\_\_\_

Other Roll Call Vote 19 Aye, 3 Nay,  
2 Absent

Final Action Date 11-18-02

PROPERTY IDENTIFICATION

Tax Map 1240 Group B Parcel 19.00, 19.10, 20.00

Zoning Map 26 Zoning District R-1 Proposed District PBD

Property Location <sup>106</sup> Belle Ave & <sup>114</sup> Allison Rd.

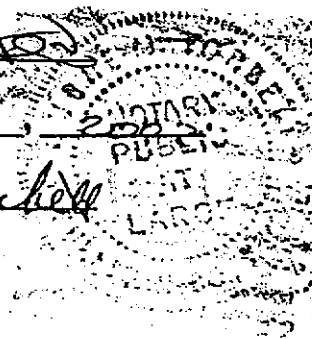
Purpose of Rezoning future business

The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.

Sworn to and subscribed before me this 29 day of Aug

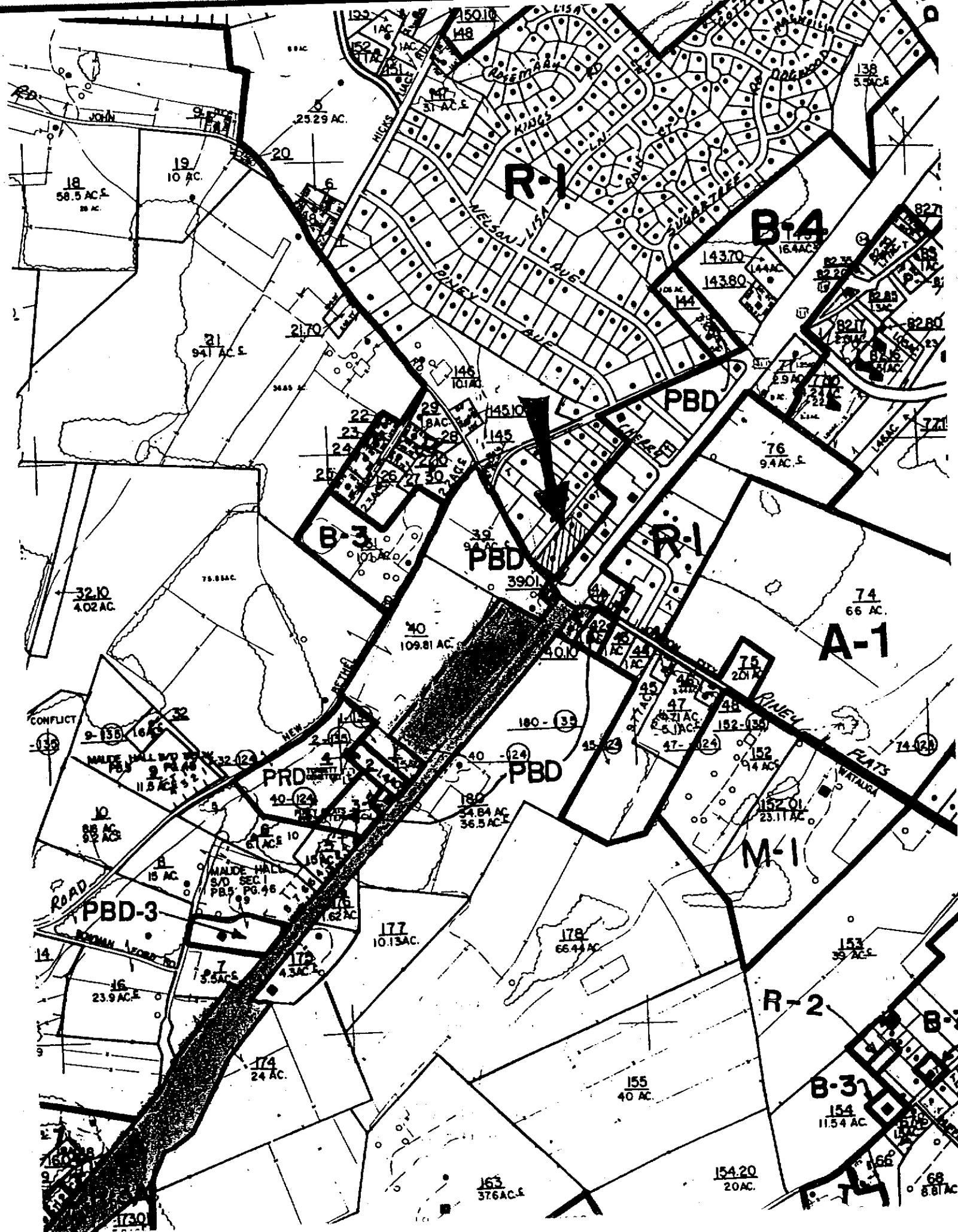
[Signature]  
Notary Public

My Commission Expires: Aug 30, 2005





	124J
	124O
135A	135B



Sullivan County  
Board of County Commissioners  
Staff Comments – November 18, 2002

REZONING REQUEST File 09/02 - #01

Property Owner: Stanley Keebler  
Rezoning Request: R-1 to PBD  
Purpose: Future Commercial  
Parcel ID: Tax Map 124-O, Group B, Parcels 19.00, 19.10 and 20.00  
Location: Corner of 106 Belle Avenue and Allison Road, Piney Flats  
Civil District: 9<sup>th</sup>  
Surrounding Zoning: PBD, R-1, and B-4 (Johnson City and Bluff City limits)  
PC 1101 Growth Plan: Johnson City Urban Growth Boundary (but not within JC regional planning jurisdiction)

**Staff Field Notes:**

Mr. Keebler recently purchased these three parcels, in hopes of developing them into one planned commercial district. Mr. Keebler owns land adjacent to this site and across the road already zoned commercially. There has been a recent trend of new commercial development and redevelopment in the crossroads area of Piney Flats.

Staff recommends approval of this rezoning request for the following reasons:

1. The rezoning would be contiguous and compatible with the PBD and the B-4 zoning adjacent to the site;
2. There is an evident recent trend for development and redevelopment of commercial projects;
3. There is public sewer and water available to support this rezoning request;
4. The Planned Business District zone offers substantial buffering and landscaping requirements necessary for the protection of the existing residential zones across the street and to the side property line;
5. Allison Road is considered a major collector route identified on the Bristol MPO map and a collector road identified on the Sullivan County Major Road Plan;

With the assistance of the Bristol and Johnson City MPO transportation planners, the county staff has requested a transportation safety study of the intersection due to the increased development of this area. All new development plans should be designed according to the recommendations of the MPO study.

**Discussion at Planning Commission Meeting:**

Mr. Keebler was present and stated that he intends to re-grade the bank of the property at the corner to eliminate the problems of sight visibility, which has been a concern of the county and residents.

**Neighborhood Opposition:**

Mrs. Mary Kaylor, representing the residents of the Golden Gate Subdivision, spoke in opposition of the rezoning. Many others were present at the Planning Commission meeting.

**Sullivan County Regional Planning Commission Action: October 15, 2002**

**Approval:** Peterson, Bronner, Settle, Mullins (4 yes, 1 no Selby, 2 absent - Dutton, Barnes) vote in favor passes

**Denial:** Reason for denial:

**Defer:** Reason for denial:

**Sullivan County Board of County Commissioners Action: November 18, 2002**

**Approval:** 11-18-02

**Denial:** Reason for denial:

**Defer:** Reason for denial:

**EARL H. & MARY E. KAYLOR**

111 BELLE AVENUE  
PINEY FLATS, TN 37686

(423) 538-7916

emkaylor5@cs.com

October 12, 2002

Sullivan County Regional Planning Commission  
3411 Highway 126, Room B101  
Blountville, TN 37617

Gentlemen:

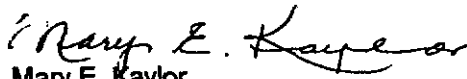
As owners of real property located in Sullivan County in the Golden Gate Sub-division, Belle Avenue, Piney Flats, we are opposed to the rezoning from R-1 to P. B. D. the properties at 106 Belle Avenue and the portion of 114 Allison Road, fronting Belle Avenue and not in the city of Bluff City.

- Belle Avenue is a short street approximately one block with sixteen families, more than half of whom have lived here over 40 years. Ages in families range from 2 years to 89 years old. Six of the elderly are debilitated or physically impaired in some way, limiting daily exercise to walking on our street. For many years Belle Avenue has been a safe street to walk and drive on and a safe neighborhood for the children.
- We oppose the rezoning for the following reasons:
  - (1) We feel that a business or businesses located on the property in question would increase traffic, noise and strangers on the street and would pose a safety risk to the residents and their families.
  - (2) Rezoning to P. B. D. for future business would devalue the residential property on the street. With Mr. Keebler not being a resident of Piney Flats or the community, we fear monetary values may dictate over good judgment and conscience when selling or leasing the property and an offensive business located thereon.

The sentiments of the residents of Belle Avenue who are not able to be at the Planning Commission meeting are expressed by the attached petition. We trust you will take our objection into consideration when ruling on the application for rezoning.

Sincerely,

  
Earl H. Kaylor

  
Mary E. Kaylor

cc: Marvin Hyatt  
John McKamey

Attachment

# OPPOSITION TO REZONING OF PROPERTY

LOCATED AT

106 Belle Avenue and 114 Allison Road

Piney Flats

TO: The Sullivan County Regional Planning Commission

We, the owners of property located on Belle Avenue in the golden Gate Sub-division of Sullivan County, hereby express our opposition to the rezoning of properties located at 106 Belle Avenue and 114 Allison Road, from R-1 to P. B. D., the reasons previously expressed by Earl & Mary Kaylor and attached:

Property Owner Emily Norman  
Property address 115 Belle Ave Telephone 538-8330

Property Owner Harold Lauriat  
Property address 117 Belle Ave Telephone 538-8021

Property Owner Miss Margaret G. McEllen  
Property address 125 Belle Ave Telephone 423-591-7321

Property Owner Ray J. Feather  
Property address 146 Belle Ave Telephone 423 538-6744

Property Owner Nancy Feather  
Property address 116 Belle Ave Telephone 423-538-6744

Property Owner Doris Gordon  
Property address 114 Belle Ave Telephone 423-538-6115

Property Owner Ronald B. Cross  
Property address 105 Belle Ave Telephone 538-8418

Property Owner Christine Cross  
Property address 105 Belle Ave Telephone 538-8418

Property Owner Carroll Damin Lakins  
Property address 123 Belle Ave Telephone 538-0230

Property Owner Dwight Sluder  
Property address 121 Belle Av. Telephone 391-0674

Property Owner Jimmie Dee Hicks  
Property address 127 Belle Ave Telephone 538-4721

Property Owner Kenner E. Richards  
Property address 108 Belle Ave Telephone 538 6550

Property Owner Rebecca L. Adams  
Property address 108 Belle Ave. Telephone 538-6550

Property Owner \_\_\_\_\_  
Property address \_\_\_\_\_ Telephone \_\_\_\_\_

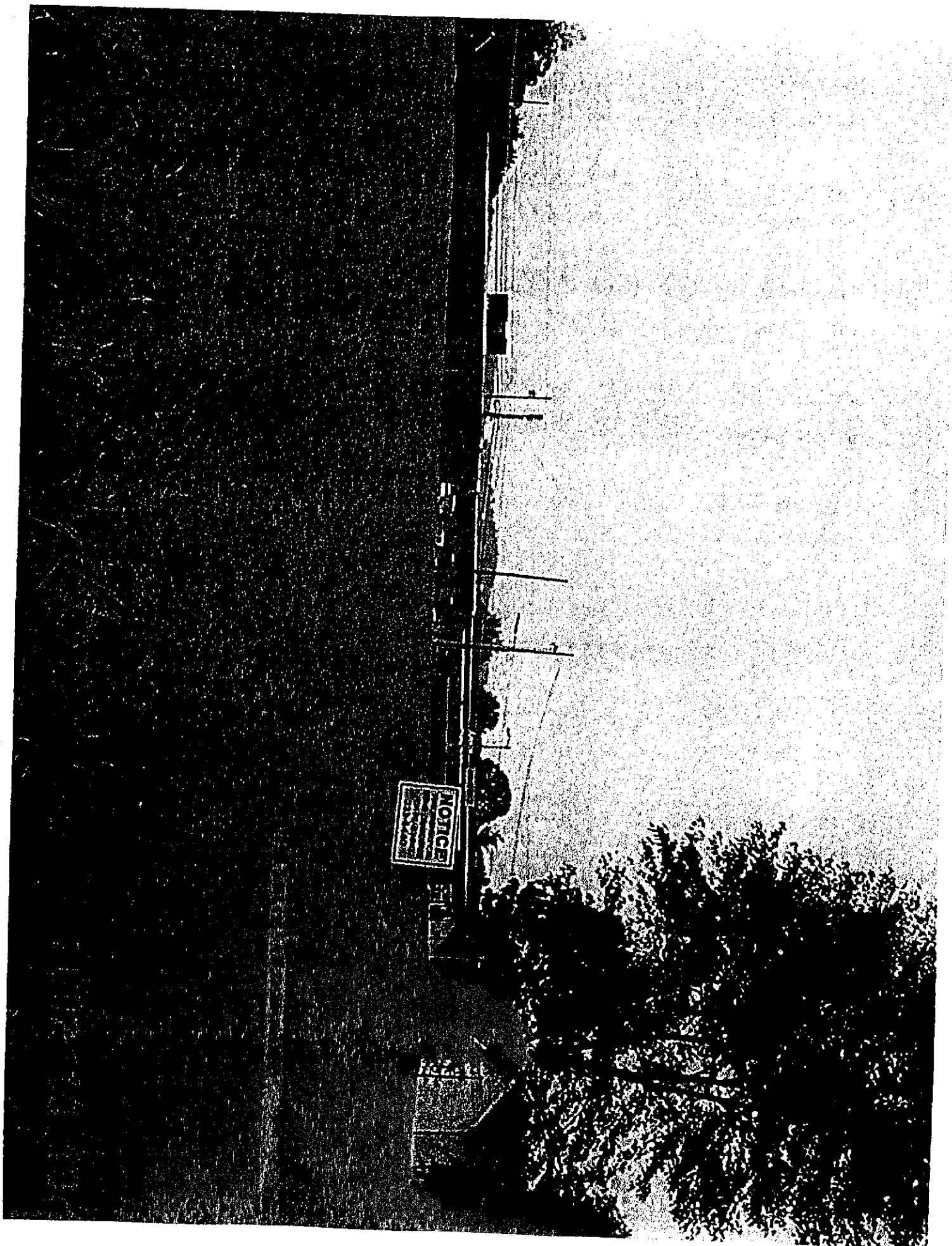
Property Owner \_\_\_\_\_  
Property address \_\_\_\_\_ Telephone \_\_\_\_\_

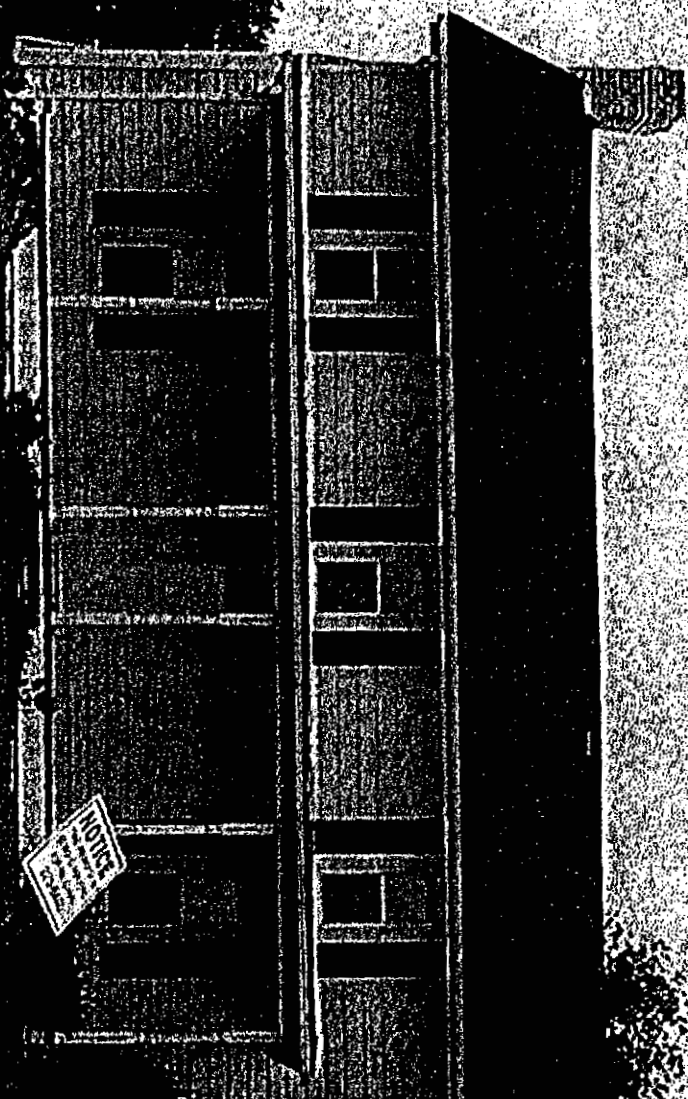
Property Owner \_\_\_\_\_  
Property address \_\_\_\_\_ Telephone \_\_\_\_\_

Property Owner \_\_\_\_\_  
Property address \_\_\_\_\_ Telephone \_\_\_\_\_

Property Owner \_\_\_\_\_  
Property address \_\_\_\_\_ Telephone \_\_\_\_\_

Property Owner \_\_\_\_\_  
Property address \_\_\_\_\_ Telephone \_\_\_\_\_

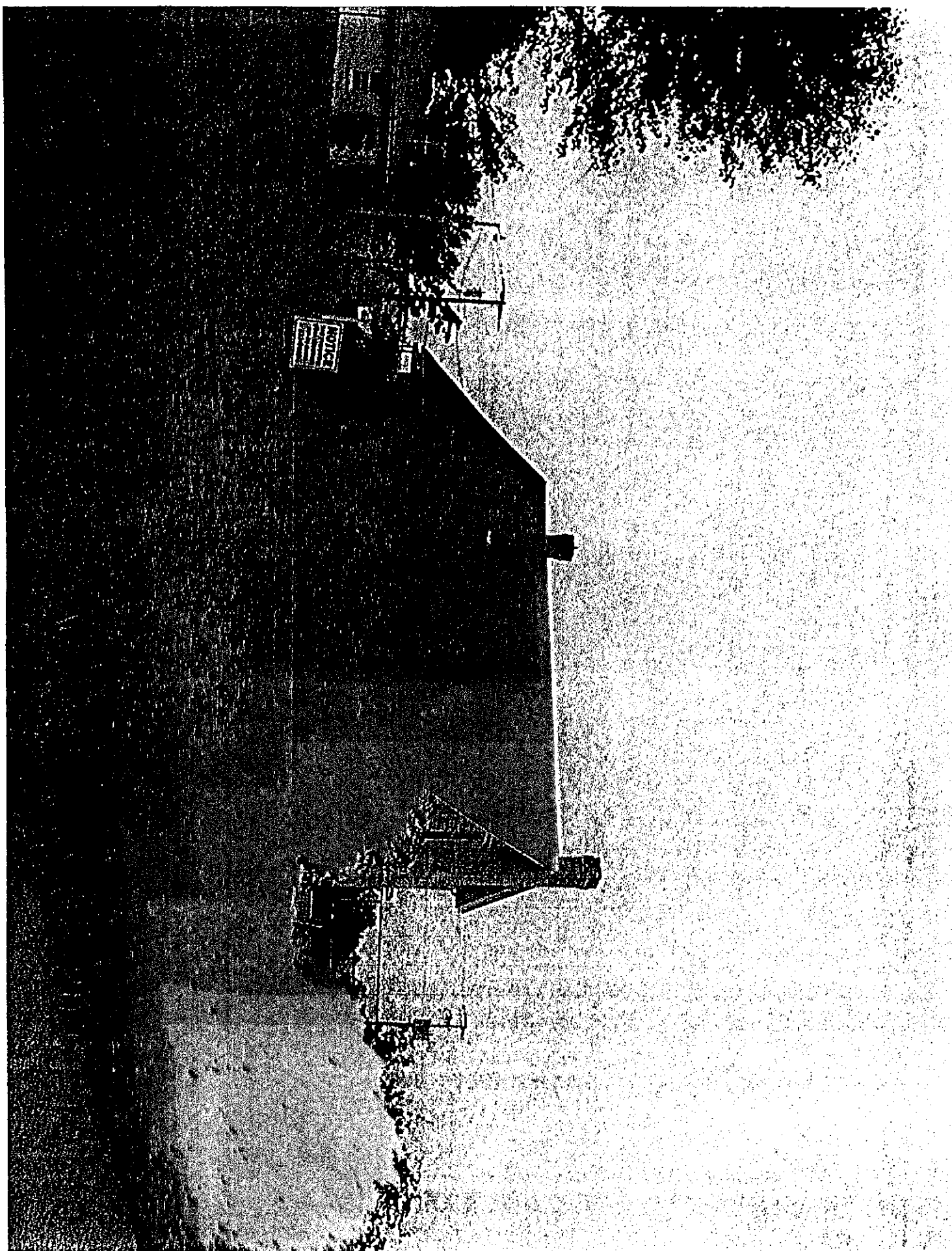




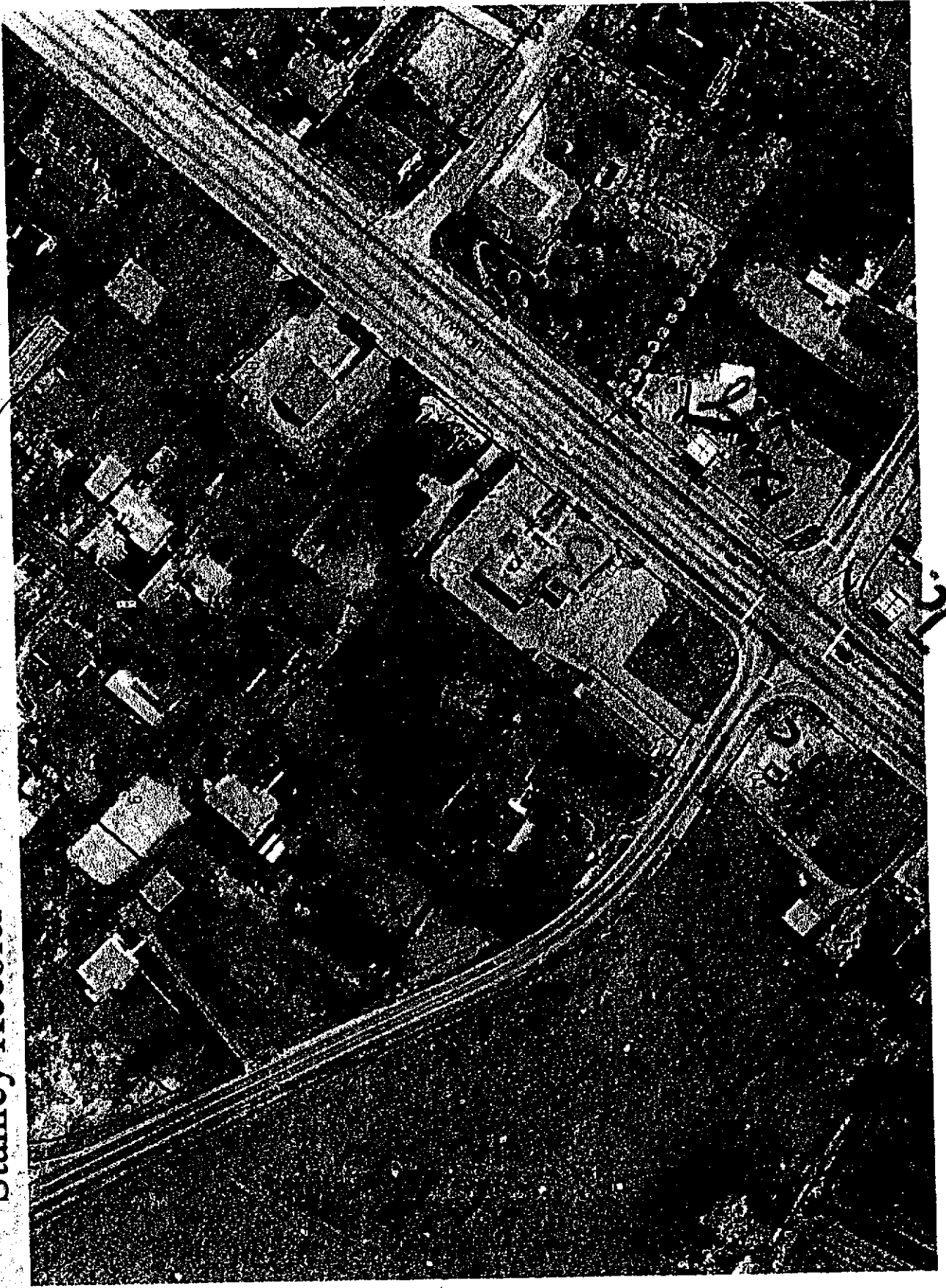
**FOR SALE**  
**OR**  
**LEASE**  
**(423) 282-5040**  
**S. K. B. Co.**

**NOTICE**  
**OF SALE**  
**10/1/12**





Stanley Keebler



01 01 2002

01 01 2002

01 01 2002

## **MINUTES OF THE SULLIVAN COUNTY PLANNING COMMISSION**

The regular meeting of the Sullivan County Planning Commission was held on Tuesday, October 15, 2002 at 7:00p.m., Courthouse, Blountville, Tennessee.

### **A. Members Present:**

Harry Boggs, Chairman  
Mark Selby, Vice Chairman  
Roy Settle  
Ken Bronner  
Gordon Peterson  
Cathy Mullins

### **Members absent:**

Harold Barnes  
Jack Dutton

### **Staff Representatives:**

Jim Montgomery, Sullivan County Highway Dept.  
David Moore, Local Planning  
Ambre Torbett, Sullivan County Planner  
Tim Earles, Sullivan County Building Commissioner  
Richard Henry, Sullivan County Planning Commission Secretary  
James "Buddy" King, Sullivan County Commissioner

The meeting was called to order at 7:03p.m. by the chairman with a quorum present.

### **B. Approval of September 17, 2002 Minutes**

The minutes from the September 17, 2002 meeting were reviewed. Motion made by Bronner to accept the minutes as presented, seconded by Settle. Motion to accept the minutes passed unanimously.

### **C. Rezoning Requests**

#### **(1) File No. 09/02/01 - Stanley Keebler**

Reclassify R-1 property at 114 Allison Road and 106 Belle Road to P.B.D.(Planned Business District). Property identification No. Tax map 124O, Group B, Parcel 19.00, 19.10 and 20.00 located in the 9<sup>th</sup> Civil District.

Mr. Keebler was present and spoke on behalf of the rezoning. He stated that he was planning to remove the structures on the property and that the property would be well suited for commercial zoning due to the surrounding area and the zoning of the parcels along Hwy 11-E.

Mary Taylor was present and spoke against the rezoning. She submitted a petition to the Planning Commission. She also spoke on the safety of the residents of Belle Road due to increased traffic and the potential to devalue the existing properties.

**Staff Comments:**

These three parcels were recently purchased by Mr. Keebler, in hopes of developing them into one planned commercial district. Mr. Keebler owns land adjacent to this site and across the road already zoned commercially. There has been a recent trend of new commercial development and redevelopment in the crossroads area of Piney Flats. Staff recommends approval of this rezoning request for the following reasons:

1. The rezoning would be contiguous and compatible with the PBD and the B-4 zoning adjacent to the site;
2. There is an evident recent trend for development and redevelopment of commercial projects;
3. There is public sewer and water available to support this rezoning request;
4. The Planned Business District zone offers substantial buffering and landscaping requirements necessary for the protection of the existing residential zones across the street and to the side property line;
5. Allison Road is considered a major collector route identified on the Bristol MPO map and a collector road identified on the Sullivan County Major Road Plan;

With the assistance of the Bristol and Johnson City MPO transportation planners, the county staff has requested a transportation safety study of the intersection due to the increased development of this area. All new development plans should be designed according to the recommendations of the MPO study.

Motion was made by Peterson and seconded by Bronner. The motion to approve the rezoning passed with a vote of 4 to 1, with Selby against.

## **D. Subdivisions**

### **(1) Boling Subdivision, Final**

**Staff Comments**

All signatures certify code compliance. The lots lay well and it appears they are suitable for home sites. Staff recommends approval of this minor 3-lot subdivision final plat.

Motion made by Bronner to approve the subdivision. Seconded by Peterson. The motion to approve the subdivision passed unanimously.

(2) **Central Heights Estates, Section 1, Resubdivision & Preliminary**

Less Barr was present and spoke against the subdivision due to the potential water problems that could occur. He also stated that single wides would be devaluing to his property. He also submitted pictures.

James Cooper was present and spoke against the subdivision due to the potential water problems that could occur. He also submitted pictures.

Keith Rhymer was present and spoke against the subdivision due to the potential water problems that could occur.

**Staff Comments**

This is a 5-lot plan with a proposed new road to be dedicated to the county after construction. The preliminary approval would grant the developer the right to construct the road and subdivision improvements according to the subdivision regulations with the intent of dedicating it to the county. No lots can be sold until all improvements have been inspected and approved or guaranteed. There is an existing 4" water line on the county road. All new water improvement plans have been designed pending State approval. Staff is waiting for revised construction plans. There has been neighborhood opposition expressed to the county highway department, due to problems associated with stormwater run-off as expected per plans.

Motion made by Bronner and seconded by Mullins to defer until plans are revised with approval of TDEC and Sullivan County Highway Department and the approved NOI submitted to the planning staff by Bronner. Seconded by Mullins. The motion to defer the subdivision passed unanimously.

(3) **Tri County Industrial Park, Replat, Final & Road Alteration**

Representatives from J.A. Street & Associates were present to represent the subdivision.

**Staff Comments**

A \$20,000 Completion Bond, as surety of the final paving improvements, has been requested by the developer. Original bond letter on file in the planning office. Bond amount set by Highway Commissioner. All signatures certify code compliance.

Motion made by Peterson and seconded by Mullins to approve the subdivision, abandon existing cul-de-sac right of way and approve the \$20,000 bond. The motion to approve the subdivision passed unanimously.

(4) **Hickory Ridge Section 3, Final Plat**

**Staff Comments**

All Subdivision Regulations and technical plat requirements are illustrated on the plat as revised. All signatures shall certify code compliance. The applicant is requesting that a letter of credit be accepted guaranteeing \$20,000.00 to be assured for the completions of the improvements – topcoat of asphalt. The letter of credit from First Tennessee Bank has a deadline of December 1, 2003. Staff recommends approval of the final plat subject to all completions of the road construction topcoat be approved and finalized by September 1, 2003.

Motion made by Bronner and seconded by Settle to approve the subdivision. The motion passed unanimously.

(5) **Bristol Tennessee Electric Systems, Site Plan**

**Staff Comments**

All public projects are exempt from building permits and fees; however any improvements for new public utility construction made in a residential zone must obtain Planning Commission site plan approval. Attached is a site plan and cover letter illustrating their desires for a new electrical substation. The plan calls for landscaping, and erosion and sedimentation controls to ensure no soil runs off into the Boone Lake. Staff recommends approval of this plan as it illustrates all requirements as well as buffering against the neighbors.

Motion made by Mullins and seconded by Peterson to approve the site plan by Mullins. The motion passed unanimously.

(6) **Lewis Buckles, Site Plan – Revision**

**Staff Comments**

This is a revised site plan showing the access and internal driveway changed to a one-way with two access points for better internal traffic controls. The plan also reflects more reasonable growth for the car-lot business with added display parking areas identified as to be paved. The building was also moved back. The applicant seeks site plan approval based upon these changes subject to BZA approval of the revised variance to the front buffer strip.

Motion made by Mullins and Seconded by Peterson to approve the revision subject to the approval from the Board of Zoning Appeals by Mullins. The motion passed unanimously.

(7) **Jack Hobbs, Site Plan Revision**

**Staff Comments**

Based upon natural surroundings and topography, the owner is seeking a waiver of some additional plantings. Staff will request revised as-built site plan after approval from Planning Commission. Staff viewed the site several times after final grading. Due to steep cut and tapered banks to the rear of the mobile home park, Mr. Hobbs requests a waiver of those plantings. In lieu thereof, staff recommends those same number of trees be concentrated in the front of the site, adjacent to the side and front property lines closer to the public view as well as trees planted within the common playground. Trees should be planted in staggered rows where the soil has been stabilized paying close caution to overhead utility lines, drainage tiles, sight visibility at entrances, and also to preserve any hardy existing trees wherever possible.

Motion made by Mullins and seconded by Settle to approve the site plan revisions by Mullins. The motion passed unanimously.

(8) **Confirmation of Minor Subdivision Plats for September 2002.**

Motion made by Mullins and a second by Peterson to confirm the approval of the subdivisions. The motion passed unanimously.

**E. New Business**

(1) **Text Amendment on Road Frontage**  
Recommendation Request

Mrs. Torbett explained the changes as follows:

**ARTICLE IV**

**Section 402. Road Frontage Requirements For All Lots** - No principal building or structure in any zone, shall be erected on a lot, which does not conform to the following lot frontage requirements per principal building or structure, unless such lot is of record prior to September 1, 1988, then one principal use permit may be permitted. Such lot frontage shall be a continuous portion of land as part of the parcel and not narrower at any point less than that required. For the purposes of this Resolution, road frontage shall be determined as streets, which are publicly maintained. All lots within any district shall conform to the following minimum standards or exemptions:

**402.1 Standards:**

1. All lots two (2) acres or less in total area shall have a minimum of twenty-five (25) feet of street frontage;
2. All lots greater than two (2) acres in total area shall have a minimum of fifty (50) feet of street frontage; or



3. Any lot as part of an approved plan [in a private gated community and on a permanent easement (private street) that corresponds in its location and lines with a permanent easement shown on a plat approved by the Regional Planning Commission with such approval entered in writing on the recorded plat by the secretary of the Regional Planning Commission (*amendment approved on 06/21/99*)] shall have a minimum street frontage per principal building or structure subject to the standards above (Section 402.1) according to size of property.

**402.2 Exemptions For Lots-of-Record:** In the case where a tract of land is considered legal and recorded prior to the adoption of County-wide zoning on September 1, 1988, and which is outside of any Urban Growth Boundary of the Regional Planning Commissions (Bristol and Kingsport), the land may be subdivided so long as the following requirements and conditions are satisfied prior to issuance of any principal use permit:

1. The lot-of-record, which has less than fifty (50) feet of road frontage or none at all, may be subdivided only if the proposed new lot(s) obtain the minimum width of public road frontage subject to the standards in Section 402.1, and in no case shall new lots be created without the required minimum public road frontage requirements nor further non-conformities be created to the original tract by subdividing. All other zone lot requirements shall apply.

Motion made by Mullins & seconded by Settle to approve the text amendment as presented by Mullins. The motion passed unanimously.

- F. Old Business**
- G. Public Comments**
- H. Adjournment**

With no further business, a motion was made by Bronner and a second by Peterson to adjourn the meeting at 8:37 p.m.

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Richard Henry, Sullivan County Planning Commission Secretary

<div> <div>Reasoning Reg.</div> <div>No.</div> <div>Resolutions</div> <div>No.</div> </div>																
QUESTIONS BEFORE THE COMM.																
1																
2																
NAMES OF COMMISSIONERS	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
Garth Blackburn	✓								✓							
Linda K. Brittenham	✓								✓							
James "Mac" Brotherton	✓								✓							
Ray Conlin	A								A							
John Crawford	✓								✓							
D.W. Ferguson	✓								✓							
Clyde Grosseclough	✓								✓							
Larry Hall	✓								✓							
Ralph Harr	✓								✓							
Joe Herron	✓								✓							
Dennis L. Houser	✓								✓							
Marvin L. Hyatt		✓							✓							
Samuel C. Jones	✓								✓							
Elliott Kilgore	✓								✓							
James "Buddy" King	✓								✓							
James L. King, Jr.	✓								✓							
R. Wayne McConnell	A								A							
William H. "John" McKernan		✓								✓						
Randy Morrell	✓								✓							
Howard Y. Patrick	✓								✓							
Jack Sitgreaves	✓								✓							
Michael Surgenor		✓								✓						
Mark A. Vance	✓								✓							
Eddie Williams	✓								✓							
	19 Aye								20 Aye							
	3 Nay								2 Nay							
	2 Abs								2 Abs							

QUESTIONS BEFORE THE COMM.

QUESTIONS BEFORE THE COMM.	# 4 amendment # 4		No 4		No 5		# 6 amendment # 6		to defer 6		amendment # 2 Reo # 6		w/ amendment 6			
	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
North Blackburn	✓		✓		✓		made	✓			made	✓				
Linda K. Brittenham	✓		✓		✓		up				up	✓				
James "Mac" Brotherton	✓		✓		✓		Spn	✓			Spn	✓				
Ray Conklin	A		A		A		app				app	✓				
John Crawford	✓		✓		✓		w/	A			w/	A				
D.W. Ferguson	✓		✓		✓		#6									
Clyde Groseclose Jr.	✓		✓		✓											
Larry Hall	✓		✓		✓											
Ralph Harr	✓		✓		✓											
Joe Herron	✓		✓		✓											
Demmond L. Houser	✓		✓		✓											
Mervin L. Hyatt	✓		✓		✓											
Samuel C. Jones	✓		✓		A											
Elliott Kilgore	✓		✓		✓											
James "Buddy" King	✓		✓		✓											
James L. King, Jr.	✓		✓		✓											
Wayne McConnell	A		✓		✓											
William H. "John" McKamy	✓		✓		✓											
Randy Morrell	✓		✓		✓											
Howard D. Patrick	✓		✓		✓											
Jack Sitgreaves	✓		✓		✓											
Michael Surgenor	✓		✓		✓											
Mark A. Vance	✓		✓		✓											
Eddie Williams	✓		✓		✓											
	23 Aug		23 Aug		23 Aug				8 Aug				22 Aug			
	2:15		1:05		2:05				15 Aug				1 Aug			
									1:05				1:05			

**RESOLUTIONS ON DOCKET FOR NOVEMBER 18, 2002**[illegible]

Sullivan County, Tennessee  
Board of County Commissioners

No. 1  
2002-11-00

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of Commissioners meeting in Regular Session this 18<sup>th</sup> day of November 2002.

**RESOLUTION AUTHORIZING the Board of County Commissioners to Consider Amendments to the Sullivan County Zoning Resolution**

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

WHEREAS, such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution.

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

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 18<sup>th</sup> day of November 2002.

Attested: Jeannie Hammon 11/18/02 Approved: Richard S. Venable 11/14/02  
County Clerk Date County Executive Date

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

2002-11-00	Administrative	Budget	Executive	County Commission
ACTION				Approved 11-18-02 <del>Voice Vote</del>

Comments: Motion made by Comm. Buddy King and seconded by Comm. Hyatt to approve. Approved 11-18-02 by voice vote.

Sullivan County, Tennessee  
Board of County Commissioners

24  
No. 2  
Budget Committee  
2002-09-119

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 16<sup>th</sup> day of September 2002.

**RESOLUTION Authorizing the Expenditure of Funds for the Improvement of Land in the Tri-County Industrial Park**

WHEREAS, the Industrial Development Board of Sullivan County wishes to improve certain lands within the Tri-County Industrial Park, as authorized by Tennessee Code Annotated, by grading the property thereby making it more attractive to a potential new industry; and,

WHEREAS, the proposed site to be improved is currently owned by the Industrial Development Board of Sullivan County; and,

WHEREAS, a bid of \$91,262.00 to grade said site has been obtained.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby appropriates \$91,262.00 to the Industrial Development Board of Sullivan County to be used for grading of the site with such monies being returned to the County upon sale of the site. Further, the appropriation of such monies are to come from funds generated from previous land sales within the Industrial Park.

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

Duly passed and approved this 18<sup>th</sup> day of November 2002.

Attested: Joanie Hammon 11/18/02 Approved: Richard S. Venable 11/18/02  
County Clerk Date County Executive Date

Introduced By Commissioner: Harr  
Seconded By Commissioner(s): Hyatt

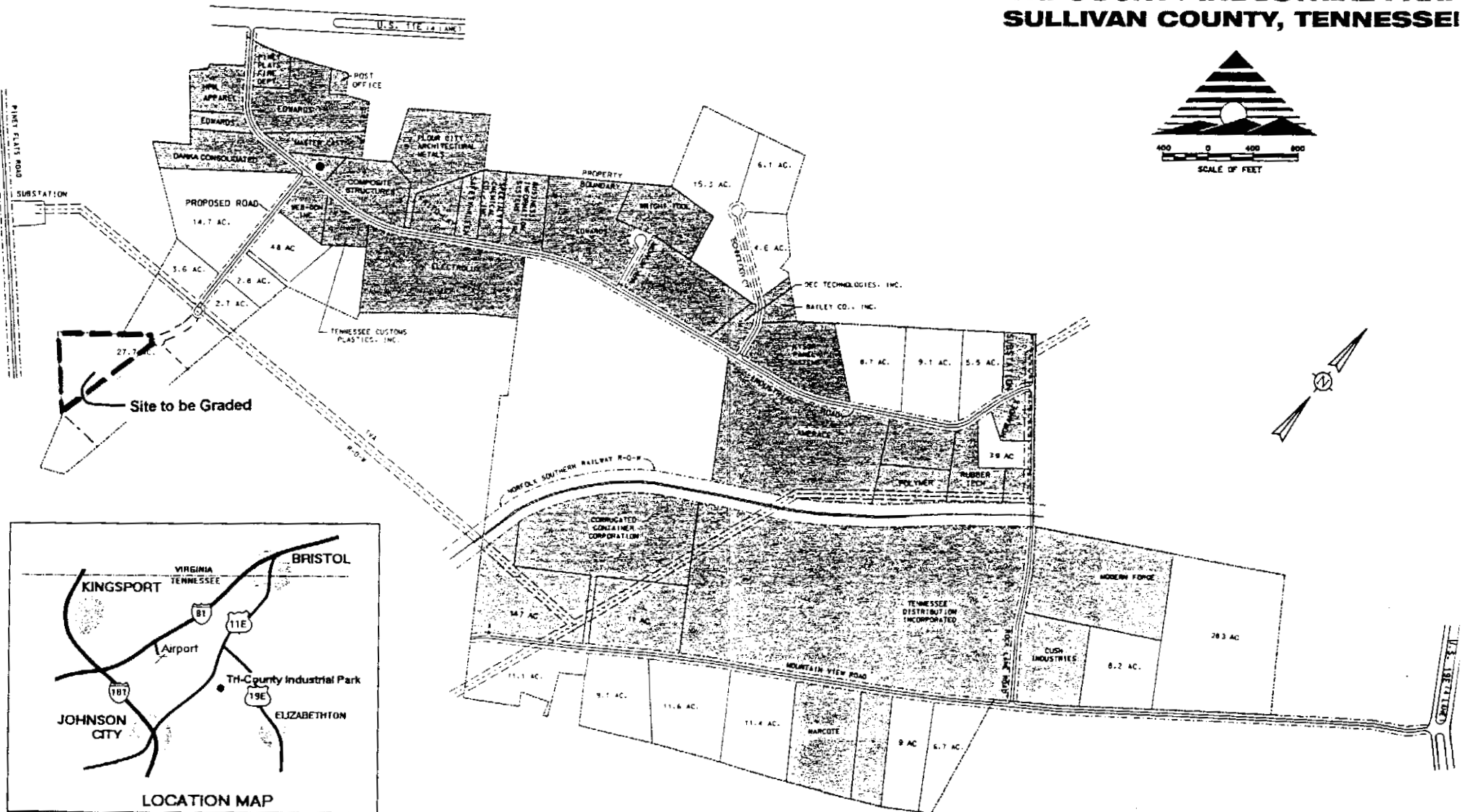
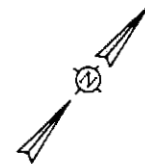
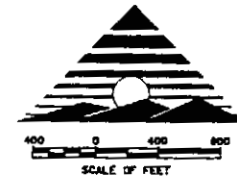
2002-09-119	Administrative	Budget	Executive	County Commission
ACTION				Approved 11-18-02

20 Aye, 2 Nay, 2 Absent

Comments: 1st Reading 09-16-02; Deferred 10-21-02;

2002-09-119

**TRI-COUNTY INDUSTRIAL PARK  
SULLIVAN COUNTY, TENNESSEE!**



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

No. 3  
Executive Committee  
**PROPOSED AMENDMENT**  
2002-10-127

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 21<sup>st</sup> day of October 2002.

**RESOLUTION Requiring All New County Employees to Undergo Health Examination**

WHEREAS, it is in the best interest of Sullivan County to ensure the health of their employees, both current employees and future employees;

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby require that all employees hired from the date of the passage of this resolution be required to undergo a physical evaluation. Said evaluation to be conducted by the doctor at the Sullivan County Health Department.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

Attested: \_\_\_\_\_  
County Clerk Date

Approved: \_\_\_\_\_  
County Executive Date

**Introduced By Commissioner: Harr**  
**Seconded By Commissioner(s): Williams**

all AMENDMENT

2002-10-127	Administrative	Budget	Executive	County Commission
<b>ACTION</b>		Approved as Amended 10-10-02	Motion to take No Action Passed 11-7-02	

Comments: Deferred by Sponsor 10-21-02; Deferred by Sponsor 11-18-02;

**PROPOSED AMENDMENT BY THE BUDGET COMMITTEE**

In the "Now Therefore Be It Resolved" paragraph, lines 2, 3, 4 & 5, the budget committee proposes the resolution to read:

... that all employees hired from the date of the passage of this resolution be required to undergo a physical examination and drug evaluation. Said exam/evaluation to be conducted by the doctor and/or nurse practitioner at the Sullivan County Health Department.

**BE IT FURTHER RESOLVED** that any costs will be incurred by the respective department.

**Commission Action:**



Sullivan County, Tennessee  
Board of County Commissioners

No. 4  
Budget Committee  
PROPOSED AMENDMENT  
2002-10-132

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 21<sup>st</sup> day of October 2002.

**RESOLUTION Authorizing Sullivan County to Act as Grant Receiving Agent for Frontier Health**

WHEREAS, Frontier Health wishes for Sullivan County to serve as a receiving agent for a grant in an amount up to \$1,400,000 over a three year period; and

WHEREAS, the treatment provided through this grant will target substance abuse and mental health services; and

WHEREAS, the courts of Sullivan County use the treatment services provided by Frontier Health on a daily basis.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorize Sullivan County to act as a receiving agent and thereby receive and disburse grant funds in an amount up to \$1,400,000 over a three-year period as awarded per the grant contract through the Department of Health and Human Services to Frontier Health.

**BE IT RESOLVED** that there is no cost to the county in securing these funds on behalf of Frontier Health. Account Codes to be assigned by the Director of Accounts and Budgets.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 18<sup>th</sup> day of November 2002.

Attested: Jeannie Gamm 11/18/02 Approved: Richard S. Venable 11/18/02  
County Clerk Date County Executive Date

Introduced By Commissioner: Houser

Seconded By Commissioner(s): Patrick

2002-10-132	Administrative	Budget	Executive	County Commission
ACTION	Motion to Approve Passed 11-4-02		Motion to Approve Passed 11-7-02	Approved 11-18-02 23 Aye, 1 Absent

Comments: 1<sup>st</sup> Reading 10-21-02;

**PROPOSED AMENDMENT BY THE BUDGET COMMITTEE**

**BE IT FURTHER RESOLVED** that Frontier Health has agreed for Sullivan County (General Fund) to receive 2% of any funding received by Frontier Health for handling the grant.

COMMISSION ACTION: Approved 11-18-02, 22 Aye, 2 Absent.

Sullivan County, Tennessee  
Board of County Commissioners

5  
No. 16  
Executive Committee  
2002-10-133

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of Commissioners meeting in Regular Session this 21<sup>st</sup> day of October 2002.

**RESOLUTION Authorizing Traffic Sign Changes in the 5<sup>th</sup> Civil District**

WHEREAS, the Sullivan County Highway Department has been requested by Commissioner Garth Blackburn of the 5<sup>th</sup> Civil District to make changes to traffic signs in the 5th Civil District.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the following traffic sign changes in the 5<sup>th</sup> Civil District:

**Place a "No Parking" Sign on Stewart Road, intersection with Morelock Drive.**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 18th day of November 2002.

Attested: Jeanie Yamm 11/18/02 Approved: Richard S. Venable 11/19/02  
County Clerk Date County Executive Date

**Introduced By Commissioner: Blackburn**

**Seconded By Commissioner(s): Brittenham, Houser**

2002-10-133	Administrative	Budget	Executive	County Commission
ACTION				Approved 11-18-02
				22 Aye, 2 Absent

Comments 1st Reading 10-21-02;

**SULLIVAN COUNTY  
HIGHWAY DEPARTMENT**

P.O. BOX 590  
BLOUNTVILLE, TENNESSEE 37617

ATTACHMENT 2002-10-133

**John R. LeSueur, Jr.**  
Commissioner of Highways

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

October 16, 2002

COMMISSIONERS: Garth Blackburn  
Linda Brittenham  
Dennis Houser

Dear Commissioners:

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

To Place a NO PARKING sign on Stewart Road, intersection with Morelock Drive.

Request made by Commissioner Garth Blackburn.

This is in the 5<sup>th</sup> Civil District.

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

Sincerely,



Rufus Cooper  
Traffic Coordinator

RC/jb

c: Angela Taylor

Sullivan County, Tennessee  
Board of County Commissioners

No. 6  
Administrative Committee  
PROPOSED AMENDMENT  
2002-10-134

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 21<sup>st</sup> day of October 2002.

**RESOLUTION Authorizing the Sullivan County Sheriff's Office to Utilize Land Currently Owned by Sullivan County and Adjoining the Land known as the "Old Landfill" on Highway 37 for the Purpose of Erecting a Training Building**

WHEREAS, Sullivan County has ownership in property that is, and joins, the old landfill off Highway 37 near its intersection with 11W; and,

WHEREAS, some \$250,000 value of land excavation has been accomplished by the Job Corps in preparation for a firing range and training site for Sullivan County Sheriff's Office; and,

WHEREAS, the Sullivan County Sheriff's Office received funding from Federal Equitable Sharing of drug related confiscations to fund the purpose of a suitable building; and,

WHEREAS, preliminary plans are in place for building construction through Sheriff's employees and trustee labor.

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorize the Sheriff to proceed with the placement of a training building on the afore described property and to commence training exercises effective upon completion.**

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

Duly passed and approved this 18th day of November 2002.

Attested:

Janie Gamm 11/18/02      Richard S. Venable 11/18/02  
County Clerk                      Date                      County Executive                      Date

**Introduced By Commissioner: Harr**

**Seconded By Commissioner(s): Williams, King (Buddy)**

01 AMENDMENT 3

2002-10-134	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Motion to Approve Passed 11-4-02	Motion to Approve Passed 11-8-02	Motion to Approve Passed 11-7-02	Approved 11-18-02 Roll Call 22A, 1N, 1Absent

Comments:

1<sup>st</sup> Reading 10-21-02; Motion to defer by McKamey, 2nd by Surgenor-Motion to defer failed by roll call vote. Resolution approved along with attached amendments.

AMENDMENT TO RESOLUTION NO. 2002-10-134

Amend <sup>#1</sup> as Follows:

Add additional paragraph at the end of the Resolution as follows:

**BE IT FURTHER RESOLVED** that Sullivan County is hereby authorized to grant an easement to American Electric Power to allow the placement of utility poles to accommodate the training facility and the County Executive is hereby authorized to execute the attached easement form upon approval by the County Attorney.

Introduced by Commissioner: Harr

Seconded By Commissioner(s): Williams, King

**COMMENTS:**

Amendment approved with Resolution 11-18-02.

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2002-10-134/trl

**RIGHT OF WAY EASEMENT****ATTACHMENT****2002-10-134****2 Pages**

for Corporations

\_\_\_\_\_ Eas. No. \_\_\_\_\_ R/W Map No. \_\_\_\_\_  
 \_\_\_\_\_ W.O. No. \_\_\_\_\_ Job No. \_\_\_\_\_ Prop. No. \_\_\_\_\_  
 \_\_\_\_\_ Line \_\_\_\_\_

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by  
 and between Sullivan County, Tennessee, a political subdivision of the State of Tennessee, herein  
 called "Grantor", and KINGSFORT POWER COMPANY, a Virginia corporation, herein called  
 "Kingsport".

**WITNESSETH:**

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid to grantor by  
 Kingsport, the receipt whereof is hereby acknowledged, Grantor hereby grants, conveys and warrants  
 to Kingsport, its successors, assigns, lessees and tenants, a right of way and easement for an electric  
 power line or lines, and communication lines, in, on, along, through, over, across or under the  
 following described lands of the Grantor situated in \_\_\_\_\_ Civil District, County of  
 Sullivan, State of Tennessee, and bounded:

On the North by the lands of \_\_\_\_\_  
 On the East by the lands of \_\_\_\_\_  
 On the South by the lands of \_\_\_\_\_  
 On the West by the lands of \_\_\_\_\_

This line extends in a \_\_\_\_\_ direction from Kingsport's  
 existing \_\_\_\_\_ numbered \_\_\_\_\_ to  
 and including new \_\_\_\_\_ numbered \_\_\_\_\_.

Being a right of way easement over the same property conveyed to Grantor herein by  
 \_\_\_\_\_, by deed dated \_\_\_\_\_, and  
 recorded in \_\_\_\_\_ County, Deed Book No. \_\_\_\_\_, Page \_\_\_\_\_.

Map \_\_\_\_\_, Group \_\_\_\_\_, CTL Map \_\_\_\_\_, Parcel \_\_\_\_\_.

TOGETHER with the right, privilege and authority to Kingsport, its successors, assigns,  
 lessees and tenants to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove,  
 add to the number of, and relocate at will, poles, with wires, cables, crossarms, guys, anchors,  
 grounding systems and all other appurtenant equipment and fixtures, underground conduits, ducts,  
 vaults, cables, wires, transformers, pedestals, risers, pads, fixtures and appurtenances (hereinafter  
 called "Kingsport's Facilities"), and string wires and cables, adding thereto from time to time, in, on,  
 along, over, through, across and under the above referred to premises; the right to cut down, trim,  
 clear and/or otherwise control, and at Kingsport's option, remove from said premises, any trees,  
 shrubs, roots, brush, undergrowth, overhanging branches, buildings or other obstructions which may  
 endanger the safety of, or interfere with the use of Kingsport's Facilities; the right to disturb the  
 surface of said premises and to excavate thereon; and the right of ingress and egress to and over said  
 above referred to premises, and any of the adjoining lands of the Grantor at any and all times, for the

purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith.

THIS INSTRUMENT PREPARED BY KINGSPORT POWER COMPANY, 420 RIVERPORT RD., KINGSPORT, TN 37660

It is understood and agreed between the parties hereto, that the Grantor reserves the right to use said lands in any way not inconsistent with the rights herein granted.

TO HAVE AND TO HOLD the same unto Kingsport Power Company, its successors, assigns, lessees and tenants.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed the day and year first above written.

SULLIVAN COUNTY, TENNESSEE

By: \_\_\_\_\_  
County Executive  
Attest: \_\_\_\_\_  
County Clerk

STATE OF TENNESSEE )

COUNTY OF \_\_\_\_\_ ) To-wit:

Before me, \_\_\_\_\_ of the State and County  
aforesaid, personally appeared \_\_\_\_\_, with whom I am personally  
acquainted, and who, upon oath, acknowledged himself to be the County Executive of Sullivan County, Tennessee, the  
within named bargainor, a political subdivision of the State of Tennessee, and that he as such County Executive, being  
authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of  
Sullivan County, Tennessee by himself as County Executive.

Witness my hand and official seal in \_\_\_\_\_ County, Tennessee, this \_\_\_\_\_  
day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

I, or we, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred,  
whichever is greater, is \$ \_\_\_\_\_, which amount is equal to or greater than the amount which  
the property transferred commanded at a fair and voluntary sale.

KINGSPORT POWER COMPANY

By: \_\_\_\_\_

STATE OF TENNESSEE )

COUNTY OF SULLIVAN ) To-wit:

Subscribed and sworn to before me this one \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
GRW 32-UGOHD-Ig.P. (Pg. 2)/8-93/dt

PROPOSED AMENDMENT TO

Amendment #2

~~RES:4~~ - RESOLUTION NO. 2002-10-134

Amend as Follows:

This building and use of it as a training facility is  
subject to future use of the property as a landfill.

Introduced by: Harr  
Seconded by: \_\_\_\_\_

COMMENTS: Amendment approved along with Resolution 11-18-02.



PROPOSED AMENDMENT TO

Amendment #3

XXXXX  
RES. #

- RESOLUTION NO. 2002-10-134

Amend as Follows:

Passage of Resolution would be based on approval of Building  
Committee.

Introduced by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_

COMMENTS: Amendment approved along with Resolution 11-18-02.

PROPOSED AMENDMENT TO

Amendment #4

~~RESX~~

RESOLUTION NO. 2002-10-134

Amend as Follows:

Grant an easement subject to revocation for future use of  
landfill. If utility company won't agree to revocable easement  
then go with permanent easement.

Introduced by: Harr

Seconded by:

COMMENTS: Amendment approved along with Resolution 11-18-02.

Sullivan County, Tennessee  
Board of County Commissioners

No. 38  
Budget Committee  
2002-10-135

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 21<sup>st</sup> day of October 2002.

**RESOLUTION Appropriating Additional Funds for Transportation Study**

WHEREAS, the Board of County Commissioners passed Resolution No. 2001-07-075 on August 20, 2001 agreeing to contract with Wilbur Smith & Associates to conduct an independent transportation study focused on the State Route 357 Extension and a Comprehensive Transportation Study addressing the needs of the entire county; and,

WHEREAS, Wilbur Smith and Associates were requested by the Transportation Committee and Purchasing Agent to hold two additional meetings in reference to the State Route 357 project and to provide additional analysis and projections in reference to the Comprehensive Study other than those provided for within the Scope of Services;

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approve appropriating \$4,700.00 to compensate Wilbur Smith & Associates for their additional work outside the original Scope of Services contracted with the Sullivan County.

**BE IT RESOLVED** that funds will be appropriated from the 39000 account. Account codes to be assigned by the Director of Accounts & Budgets.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

Attested: \_\_\_\_\_ Approved: \_\_\_\_\_  
County Clerk Date County Executive Date

**Introduced By Commissioner: King (Buddy)**

**Seconded By Commissioner(s): Hyatt**

alt

2002-10-135	Administrative	Budget	Executive	County Commission
ACTION				

Comments:

1st Reading 10-21-02; Withdrawn 11-18-02.

Sullivan County, Tennessee  
Board of County Commissioners

8  
No. 19  
Administrative Committee  
2002-10-136

To the Honorable Gil Hodges, County Executive and the Members of the Sullivan County Board of Commissioners meeting in Regular Session this 21<sup>st</sup> day of October, 2002.

**RESOLUTION Authorizing Sullivan County to Enter Into Mutual Aid Agreements for Law Enforcement Purposes with Greene County, Hawkins County, the City of Mount Carmel and the City of Kingsport**

WHEREAS, Tennessee Code Annotated §12-9-101, et seq., and Tennessee Code Annotated §58-2-111, et seq., authorize public agencies of this state to enter into interlocal agreements for mutual assistance; and

WHEREAS, Greene County, Hawkins County, the City of Mount Carmel and the City of Kingsport have requested Sullivan County to enter into Mutual Aid Agreements for law enforcement purposes.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21<sup>st</sup> day of October, 2002, hereby authorize Sullivan County to enter into the attached Regional Mutual Aid Agreement with Greene County, Hawkins County, the City of Mount Carmel and the City of Kingsport for law enforcement purposes and the County Executive is hereby authorized to execute the same on behalf of Sullivan County.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 18th day of November 2002.

Attested: Jeannie Hammon 11/18/02 Approved: Richard L. Vance 11/18/02  
County Clerk Date County Executive Date

Introduced By: Commissioner: M. Vance  
Seconded By: Commissioner(s): H. Patrick

ui

2002-10-136	Administrative	Budget	Executive	County Commission
ACTION				Approved 11-18-02 Voice Vote

Comments: Deferred 10-21-02; Approved 11-18-02 Voice Vote.

**REGIONAL**  
**MUTUAL AID AGREEMENT**

THIS AGREEMENT entered into by and between the \_\_\_\_\_,  
TENNESSEE and the COUNTY OF SULLIVAN, TENNESSEE.

W I T N E S S E T H :

WHEREAS, Tennessee Code Annotated §12-9-101, et seq., and Tennessee Code Annotated §58-2-111, et seq., authorize public agencies of this state to enter into interlocal agreements for mutual assistance; and

WHEREAS, the parties hereto by this agreement avail themselves of the authority conferred by these acts; and

WHEREAS, it is intention of the parties hereto to provide each of the parties by mutual assistance commitments with a predetermined plan by which each might render aid to the other in case of emergency which demands law enforcement services to a degree beyond the existing capabilities of either party; and

WHEREAS, it is deemed in the public interest for the parties hereto to enter into said agreement for mutual assistance in law enforcement to assure each party of adequate protection.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The parties will respond to calls for law enforcement assistance only upon request for such assistance made by the chief law enforcement official for the requesting agency, or his designee. All requests for emergency law enforcement assistance shall be directed only to the chief enforcement official, or his designee, for the entity from which aid is requested.

2. Each party's response, if any, to such call for assistance will be determined by the chief law enforcement official for the responding agency, or his designee, in the exercise of his sound discretion. Any decision reached by the aforesaid chief law enforcement official for the responding agency, or his designee, as to such response shall be final.

3. Except as may be applicable under paragraph five of this instrument, the conduct and actions of personnel for the responding agency shall be the responsibility of the party sending assistance, and personnel for the responding agency shall at all times be considered as employees for the responding agency.

4. The party responding to the request for mutual assistance under the terms of this

agreement shall be liable and responsible for the damage to its own apparatus and/or equipment and personnel. The responding party shall also be liable and responsible for any damage caused by its own apparatus and/or negligence of its own personnel while en route to or returning from a specific location.

5. The responding party assumes no responsibility or liability for damage to property or injury to any person that may occur at the actual scene of an emergency due to actions taken in responding under this agreement. Pursuant to Tennessee Code Annotated §29-20-107(f), employees of the responding party acting at the scene of the emergency shall be considered employees of the requesting party for tort liability purposes.

6. No compensation will be paid by the parties under this agreement for said mutual assistance rendered.

7. Except as may be applicable under paragraph five of this instrument, the parties hereto agree that no claims for compensation will be made by a party hereto against the other party for loss, damage or personal injury which may occur in consequence of mutual assistance rendered hereunder, and that any and all rights and claims asserting such are hereby expressly waived.

8. Except as provided in paragraph five, at all times officers of the responding agency shall be considered to be employees of the responding agency and to be acting within the course and scope of their employment for purposes under the Governmental Tort Liability Act and/or Workers' Compensation Law of the State of Tennessee.

9. The chief law enforcement official of the requesting agency, or his designee, shall in all instances be in command of the emergency as to strategy, tactics and overall direction of the operations. All orders or directions regarding the operations of the responding agency shall be relayed through the ranking officer of the responding party at the scene. The provisions of this part shall not be construed as creating a duty on the part of the responding party to stay at the scene of an emergency for any length of time. The responding party may depart the scene of an emergency at any time at the discretion of the officer in command of the responding party at the scene of an emergency.

10. All law enforcement personnel employed by the parties to this agreement shall, during such time that said personnel are actually providing aid outside the jurisdictional limits of the employing party pursuant to a request for aid made in accordance with this agreement, shall have the same powers, duties, rights, privileges and immunities as if said personnel were performing their duties within the political subdivision in which they are normally employed.

11. The party having financial responsibility for the law enforcement agency providing services, personnel, equipment or facilities utilized pursuant to the provisions of this agreement shall bear any loss or damage to the same and shall pay any and all expenses

incurred in the maintenance and operation of the same.

12. The party having financial responsibility for the law enforcement agency providing aid pursuant to this agreement shall compensate all of its employees rendering aid pursuant to this agreement during the time of the rendering of such aid and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid, if such amounts would be due if the aforesaid personal injury or death had occurred within the normal jurisdiction of that party. Such compensation shall also include all benefits normally due such employees.

13. All exemption from ordinance and rules, and all pension, insurance, relief, disability, workmen's compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any party when performing their respective functions within the territorial limits of their respective party's jurisdiction shall apply to them to the same degree, manner, and extent while engaged in the performance of any provision of this Mutual Aid Agreement. The provisions of this agreement shall apply with equal effect to paid and auxiliary employees.

14. This agreement shall also encompass the use of such participating party's personnel in the mass processing of arrestees, transportation of prisoners and operation of temporary detention facilities in the event of natural disasters, mass disorder, emergency situations, crisis intervention, and/or mass arrest situations, all of which shall be dealt with in accordance with the provisions contained hereinabove.

15. This agreement may be canceled at the discretion of the Chief Executive Officer of any party upon sixty (60) days written notice to all other parties.

16. This agreement shall take effect upon execution by the authorized representative of each party after approval of the governing body of each party, and shall remain in full force and effect until canceled as provided herein.

17. This agreement shall not limit in any way the powers, rights and/or responsibilities of the Sheriff's Office as defined by the law of the State of Tennessee.

IN WITNESS WHEREOF, the parties have set hands the day and year first above written.

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**SULLIVAN COUNTY, TENNESSEE**

By: *Richard S. Venable*  
**RICHARD S. VENABLE**  
County Executive

By: \_\_\_\_\_  
**WAYNE ANDERSON**  
Sheriff

ATTEST:  
*Jeanie Gammon*  
**JEANIE GAMMON**  
County Clerk



Sullivan County, Tennessee  
Board of County Commissioners

No. 9  
Executive Committee  
2002-11-137

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of Commissioners meeting in Regular Session this 18<sup>th</sup> day of November, 2002.

**RESOLUTION Authorizing Intermont Utility District to Provide Water Service to Painter Creek Community**

WHEREAS, Intermont Utility District plans to provide water service to the Painter Creek community; and

WHEREAS, Intermont Utility District has provided drawings from Lane Engineering, Inc. to the Sullivan County Highway Department showing the proposed location of water lines;

**NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 18<sup>th</sup> day of November, 2002, hereby gives permission to Intermont Utility District for excavation on county roads and that all excavation shall be made in such a manner as to give the least inconvenience to the public, and shall be replaced with all possible speed by and at the expense of Intermont Utility District in as substantial manner as found before being excavated.

**[WAIVER OF RULES REQUESTED]**

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

Duly passed and approved this 18<sup>th</sup> day of November 2002.

Attested: Janice Hammon County Clerk Date 11/18/02  
Approved: Richard S. Venable County Executive Date 11/18/02

Introduced By: Commissioner: R. Morrell

Seconded By: Commissioner(s): R. Harr

iii

2002-11-137	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Motion to Approve Passed 11-4-02	Motion to Approve 11-8-02	Motion to Approve Passed 11-7-02	Approved 11-18-02 Voice Vote

Comments: Waiver of Rules Requested

Sullivan County, Tennessee  
Board of County Commissioners

No. 10  
Executive Committee  
2002-11-138

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of Commissioners meeting in Regular Session this 18<sup>th</sup> day of November, 2002.

**RESOLUTION Authorizing East Tennessee Natural Gas (ETNG) to Construct a 24" Natural Gas Pipeline that Travels Through Sullivan County, Tennessee**

WHEREAS, East Tennessee Natural Gas (ETNG) plans to construct a 24" natural gas pipeline from an existing station on Meadowview Road to an existing station on Jackson Hollow Road running parallel with an 8" line already installed on East Tennessee Natural Gas' existing 50' right-of-way; and

WHEREAS, East Tennessee Natural Gas has provided detailed drawings showing each county road crossing and the method of installation; and

WHEREAS, on August 15, 2002 East Tennessee Natural Gas representatives Luke LeBlanc and Joe Shaffer met with Highway Commissioner John R. LeSueur and inspected and photographed each county road crossing;

**NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 18<sup>th</sup> day of November, 2002, hereby gives permission to East Tennessee Natural Gas for excavations across county roads and that all excavation shall be made in such a manner as to give the least inconvenience to the public, and shall be replaced with all possible speed by and at the expense of East Tennessee Natural Gas in as substantial manner as found before being excavated.

**[WAIVER OF RULES REQUESTED]**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 18th day of November 2002.

Attested:

Jeanie Hammon 11/18/02 Approved Richard S. Venable 11/18/02  
County Clerk Date County Executive Date

**Introduced By: Commissioner: D. Houser**

**Seconded By: Commissioner(s): S. Jones**

url

2002-11-138	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Motion to Approve Passed 11-4-02		Motion to Approve Passed 11-7-02	Approved 11-18-02 Voice Vote

Comments: Waiver of Rules Requested

Sullivan County, Tennessee  
Board of County Commissioners

No. 11  
Administrative Committee  
PROPOSED AMENDMENT  
2002-11-139

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 18<sup>th</sup> day of November 2002.

**RESOLUTION Confirming Appointments to Various Committees**

WHEREAS, the County Executive has made the following recommendations for members of the Adult-Oriented Establishment Board and the Sullivan County Historical Commission;

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approve confirming the following appointments:

Adult-Oriented Establishment Board – to meet on an as needed basis  
Garth Blackburn, Larry Hall, Elliott Kilgore, Randy Morrell,  
Howard Patrick, Michael Surgenor and Jack Sitgreaves;

Sullivan County Historical Commission  
Larry Hall.

**WAIVER OF THE RULES REQUESTED**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 18<sup>th</sup> day of November 2002.

Attested: Janie Common 11/18/02 Date  
County Clerk  
Approved: Richard S. Venable 11/18/02 Date  
County Executive

Introduced By Commissioner: Patrick  
Seconded By Commissioner(s): Kilgore

all

2002-11-139	Administrative	Budget	Executive	County Commission
ACTION			Motion to Approve Passed 11-7-02	Approved 11-18-02 Voice Vote

Comments: 11-4-02 Comm. Surgenor requested that the County Executive remove his name from the list of members;

**PROPOSED AMENDMENT #1**

**BE IT RESOLVED THAT** Commissioner Michael Surgenor, per his request, be removed from the Adult Oriented Establishment Board.

COMMISSION ACTION: Approved along with resolution 11-18-02.

**PROPOSED AMENDMENT #2**

**BE IT RESOLVED THAT** Commissioner Garth Blackburn, per his request, be removed from the Adult Oriented Establishment Board.

COMMISSION ACTION: Approved along with resolution 11-18-02.

Sullivan County, Tennessee  
Board of County Commissioners

No. 12  
Executive Committee  
2002-11-140

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of Commissioners meeting in Regular Session this 18<sup>th</sup> day of November 2002.

**RESOLUTION Authorizing Traffic Sign Changes in the 14<sup>th</sup> Civil District**

WHEREAS, the Sullivan County Highway Department has been requested by Commissioner James Brotherton to make changes to traffic signs in the 14<sup>th</sup> Civil District.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the following traffic sign changes in the 14<sup>th</sup> Civil District:

**To place a 25 MPH Speed Limit sign on Sir Echo Drive.**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

Attested: \_\_\_\_\_  
County Clerk Date

Approved: \_\_\_\_\_  
County Executive Date

**Introduced By Commissioner: Brotherton**  
**Seconded By Commissioner(s): Jones**

alt ATTACHMENT

2002-11-140	Administrative	Budget	Executive	County Commission
ACTION				

Comments 1st Reading 11-18-02;

**SULLIVAN COUNTY  
HIGHWAY DEPARTMENT**

P.O. BOX 590  
BLOUNTVILLE, TENNESSEE 37617

ATTACHMENT 2002- 11-140

**John R. LeSueur, Jr.**  
Commissioner of Highways

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

November 8, 2002

COMMISSIONERS: Sam Jones  
James Brotherton

Dear Commissioners:

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

To Place a 25 MPH SPEED LIMIT sign on Sir Echo Drive.

Request made by Commissioner James Brotherton.

This is in the 14<sup>th</sup> Civil District.

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

Sincerely,



Rufus Cooper  
Traffic Coordinator

RD/jb

c: Angela Taylor

Sullivan County, Tennessee  
Board of County Commissioners

No. 13  
Budget Committee  
2002-11-141

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 18<sup>th</sup> day of November 2002.

**RESOLUTION AUTHORIZING amending the 2002-2003 General Purpose School Budget for the Safe Schools Act of 1998 Grant received from the State of Tennessee in the amount of \$93,318.00.**

WHEREAS, the Sullivan County Department of Education Board approved a budget for this grant, now

**THEREFORE, BE IT RESOLVED** that the Sullivan County Board of Commissioners approve amending the General Purpose School Budget as follows. The County's match is the current budgeted expenses for the SRO program, no additional county funds are necessary. This is a reimbursement type grant.

Account Number	Account Description	Amount
46590.000	Other State Grants	93,318.00
72210.307	Communication Equipment	5,000.00
72210.308	Consultants	13,000.00
72210.399	Other Contracted Services	1,000.00
72210.429	Instructional Materials and Supplies	4,450.00
72620.426	General Construction Material	69,868.00

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

Attested: \_\_\_\_\_  
County Clerk Date

Approved: \_\_\_\_\_  
County Executive Date

**Introduced By Commissioner: Larry Hall**

**Seconded By Commissioner(s): Dennis Houser**

2002-11-141	Administrative	Budget	Executive	County Commission
ACTION				

Comments: 1st Reading 11-18-02;

Sullivan County, Tennessee  
Board of County Commissioners

No. 14  
Administrative Committee  
2002-11-142

To the Honorable Richard S. Venable, County Executive and the Members of the Sullivan County Board of County Commissioners meeting in Regular Session this 18<sup>th</sup> day of November 2002.

**RESOLUTION Authorizing the County Executive to Issue Proclamations**

WHEREAS, many local businesses, corporations, and organizations came to the aid of the students and staff of Sullivan East High School when they were evacuated from their school earlier this year due to mold problems and resumed their classes at Bristol Motor Speedway;

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby agrees to join with the County Executive in presenting Proclamations to each of the entities extending assistance to the students and staff of Sullivan East High School.

**WAIVER OF THE RULES REQUESTED**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 18th day of November 2002.

Attested: Jeannie Hammon 11/18/02      Approved: Richard S. Venable 11/18/02  
County Clerk      Date      County Executive      Date

Introduced By Commissioner: Ferguson

Seconded By Commissioner(s): Houser

2002-11-142	Administrative	Budget	Executive	County Commission
ACTION				Approved 11-18-02 Voice Vote

Comments:

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON  
MOTION MADE BY COMM. HARR TO MEET AGAIN IN REGULAR  
SESSION DECEMBER 16, 2002.

  
RICHARD VENABLE

COMMISSION CHAIRMAN