

COUNTY COMMISSION-REGULAR SESSION

001

DECEMBER 21, 2023

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS THURSDAY EVENING, DECEMBER 21, 2023, AT 6:00 P.M. IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE RICHARD VENABLE, COUNTY CHAIRMAN AND TERESA JACOBS, COUNTY CLERK OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by County Chairman Richard Venable, Sheriff Jeff Cassidy opened the commission and Commissioner Larry Crawford gave the invocation. The pledge to the flag was led by Sheriff Jeff Cassidy.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

DAVID AKARD	MARK IRESON
DARLENE CALTON	SAMUEL "SAM" JONES
JOE CARR	DWIGHT KING
MICHAEL COLE	TONY LEONARD
LARRY CRAWFORD	MICHAEL HUNTER LOCKE
ANDREW CROSS	
JOYCE NEAL CROSSWHITE	JESSICA MEANS
JOHN GARDNER	ARCHIE PIERCE
HERSHEL GLOVER	MATT SLAGLE
CHERYL HARVEY	GARY STIDHAM
DAVID HAYES	ZANE VANOVER
	TRAVIS WARD

22 PRESENT, 2 ABSENT

ABSENT AT ROLL CALL: HORNE, MCMURRAY

The following pages indicate the action taken by the Commission on 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. Gardner and seconded by Comm. Crawford to approve the minutes of the Regular Session of the County Commission held on November 16, 2023. Said motion was approved by Roll Call Vote. 22 Yes, 2 Absent.

# Agenda subject voting report

002

Meeting name

Sullivan County Commission December-21 2023

12/21/2023

2 Roll Call by Teresa Jacobs, County Clerk  
Roll Call

**Description** Roll Call  
**Chairman** Venable, Richard

**Total vote result**  
**Voting start time** 6:02:44 PM  
**Voting stop time** 6:03:15 PM  
**Voting configuration** Roll Call - Attendances  
**Voting mode** Open  
**Vote result**

Present	22
Total Present	22
Total Seats	28
Absent	2

**Group voting result**

Group	Yes	Absent
No group	22	0
<b>Total result</b>	<b>22</b>	<b>0</b>

**Individual voting result**

Name	Yes	Absent
Akard, David ()	X	
Calton, Darlene ()	X	
Carr, Joe ()	X	
Cole, Michael ()	X	
Crawford, Larry ()	X	
Cross, Andrew ()	X	
Crosswhite, Joyce ()	X	
Gardner, John ()	X	
Glover, Hershel ()	X	
Harvey, Cheryl ()	X	
Hayes, David ()	X	
Horne, Daniel ()		X
Ireson, Mark ()	X	
Jones, Sam ()	X	
King, Dwight ()	X	
Leonard, Tony ()	X	
Locke, Hunter ()	X	
McMurray, Joe ()		X
Means, Jessica ()	X	
Pierce, Archie ()	X	
Slagle, Matt ()	X	
Stidham, Gary ()	X	
Vanover, Zane ()	X	
Ward, Travis ()	X	

## SULLIVAN COUNTY

Board of County Commissioners  
December 21, 2023  
6:00 p.m.  
Commission Room  
Historic Sullivan County Courthouse

**AGENDA**

- ❖ Call to Order by Sheriff Jeff Cassidy
- ❖ Mayor Richard Venable presiding.
- ❖ Invocation
- ❖ Pledge to the American Flag
- ❖ Roll Call by Teresa Jacobs, Sullivan County Clerk
- ❖ Guest Speakers, Proclamations, Recognitions & Presentations
  - 1) Proclamation of Human Trafficking Awareness Day
  - 2) Speaker: Clay Walker, Christmas Greeting to Commissioners
  - 3) Speaker: SCSO Sgt. Travis Ward, presentation on Pretrial Release Program
  - 4) Speaker: State Rep. Bud Hulsey, regarding Item 8
- ❖ Appointments
- ❖ Approval of Commission Minutes from Previous Meeting  
(Minutes are provided to commission members electronically and are available to the public at [www.sullivancountyclerktn.com/commission-minutes](http://www.sullivancountyclerktn.com/commission-minutes))
- ❖ Approval of Notaries Public
- ❖ Public Comment
- ❖ Consent Agenda (Items 3, 4, 5, 7, 9)
- ❖ Resolutions
- ❖ Announcements and Adjournment

Sullivan County  
Board of County Commissioners  
243<sup>rd</sup> Annual Session

APPROVED

**RESOLUTIONS**

December 21, 2023

**OLD BUSINESS**

Item 2 Resolution No. 2023-10-13 (Sponsor stated intent to withdraw)

**WITHDRAWN**

Sponsors: Ireson/Harvey

RESOLUTION TO ESTABLISH AN AD HOC NON-PROFIT COMMITTEE. THIS COMMITTEE WILL CREATE A PROCESS FOR INITIAL APPLICATION, ANNUAL REPORTS, AND ANNUAL REAPPLICATION FOR NON-PROFIT ORGANIZATIONS TO FOLLOW WHEN REQUESTING FUNDS FROM THE SULLIVAN COUNTY COMMISSION.

**NEWS BUSINESS**

Item 3 Resolution No. 2023-12-02 (ON CONSENT)

**APPROVED**

Sponsors: Crosswhite/Akard

RESOLUTION TO ADOPT THE COMPREHENSIVE TRANSPORTATION PLANNING STUDY OF STATE ROUTE 358/WEAVER PIKE CORRIDOR IN THE COUNTY, PER THE TENNESSEE DEPARTMENT OF TRANSPORTATION GRANT

Item 4 Resolution No. 2023-12-03 (ON CONSENT)

**APPROVED**

Sponsors: Cole/Ward

RESOLUTION TO APPROVE THE ACCEPTANCE OF THE FY 24 TRAINING EQUIPMENT GRANT

Item 5 Resolution 2023-12-04 (ON CONSENT)

**APPROVED**

Sponsors: Cole/Ward

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS TO THE SULLIVAN COUNTY COURT ROOM SECURITY BUDGET FROM THE TENNESSEE GENERAL ASSEMBLY FOR THE COURTS (AOC) COURT SECURITY GRANT PROGRAM APPLICATION.

Item 6 Resolution No. 2023-12-05

Sponsors: Ireson/Stidham

A RESOLUTION TO AUTHORIZE AND APPROPRIATE FUNDS FOR AN ACTUARIAL STUDY TO DETERMINE THE COST ASSOCIATED WITH ALLOWING MEMBERS OF THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (“TCRS”) TO ESTABLISH RETIREMENT CREDIT IN TCRS FOR CERTAIN FORMER BOARD MEMBER SERVICE RENDERED TO A CITY, COUNTY OR SPECIAL SCHOOL DISTRICT IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED, TITLE 8, CHAPTERS 34 – 37.

Item 7 Resolution No. 2023-12-06 (ON CONSENT)

APPROVED

Sponsors: Ward/Cole

RESOLUTION TO SUBMIT THE 2023-2024 JAG APPLICATION, ACCEPT FUNDS AND APPROPRIATE FUNDS. IN THE AMOUNT OF \$20,721.00 AND APPROVE THE FUNDS TO BE USED AS REQUIRED FOR LAW ENFORCEMENT PURPOSES BY THE SULLIVAN COUNTY SHERIFF’S OFFICE.

Item 8 Resolution No. 2023-12-07

APPROVED

Sponsors: Means/Vanover

A RESOLUTION URGING THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE TO ENACT LAW TO FACILITATE NULLIFICATION OF CERTAIN FEDERAL ACTION AND FEDERAL OVERREACH TO UPHOLD STATE SOVEREIGNTY.

Item 9 Resolution No. 2023-12-08 (ON CONSENT)

APPROVED

Sponsors: Glover/Calton

RESOLUTION TO AMEND THE RESOLUTION NUMBER 2023-11-04 PROVIDING FOR SULLIVAN COUNTY’S LOCAL PARTICIPATION IN THE PROPERTY TAX RELIEF PROGRAM TO REPLACE THE METHOD OF ADMINISTERING THE PAY-OUT FOR THE PROGRAM DIRECTED BY THE SULLIVAN COUNTY TRUSTEE’S OFFICE.

*NOTE: Item 9 (Resolution No. 2023-12-08) was distributed at Work Session individually, rather than as part of packet.*

ITEM 10 Resolution No. 2023-12-09

APPROVED

Sponsors: Gardner/Locke

RESOLUTION TO ENTER INTO AND APPROVE A CONTRACT BETWEEN K-VA-T FOOD STORES, INC. AND THE SULLIVAN COUNTY CLERK FOR LEASE OF SIDEWALK SPACE TO PLACE A KIOSK ON THEIR PREMISES TO BE USED FOR VEHICLE REGISTRATION RENEWALS.

*NOTE: Item 10 (Resolution No. 2023-12-09) submitted morning of December 21 for inclusion in agenda of same date, contract information having only been received afternoon of December 20.*

ITEM 11 Resolution No. 2023-12-10

APPROVED

Sponsors: Stidham/Gardner

RESOLUTION TO APPROVE FUNDING TO COVER COST INCURRED BY THE SULLIVAN COUNTY CORRECTIONS FACILITY DUE TO THE EMERGENCY FAILURE OF THE EXISTING BOILER.

## *Proclamation*

# *Human Trafficking Awareness Day*

Whereas, human trafficking occurs when a person is recruited, enticed, harbored, transported, provided, purchased, or obtained through force, fraud, or coercion for the purpose performing labor or providing services (labor trafficking) or engaging in commercial sex acts (sex trafficking);

Whereas, it is estimated that approximately 27.6 million people are trafficked around the world and as many as 2,900 in East Tennessee alone;

Whereas, human trafficking erodes personal safety, dignity, and liberty as well as the health and safety of communities at large;

Whereas, human trafficking does not discriminate based on age, sex, race, color, or national origin, but is, however, grounded in the inequitable conditions of relationships and society and disproportionately affects vulnerable individuals and marginalized communities;

Whereas, the need is great to remove the veil of secrecy that allows human trafficking to thrive, disrupt the systems it depends upon to flourish, and mobilize community support around survivors of human trafficking and help them as they seek to recover and rebuild their lives;

Whereas, a unified response by allied professionals, law enforcement, prosecutors, judges, victims service providers, healthcare professionals, volunteers, and others is needed to provide safety, justice, and healing to survivors, hold offenders accountable, and promote the welfare of the community;

Whereas, the Tennessee Counter-Trafficking Alliance, through the Community Coalition Against Human Trafficking in East Tennessee, exists to educate Tennesseans about the realities and pervasiveness of human trafficking, foster collaborative intervention and prevention efforts, provide comprehensive, trauma-informed aftercare services to survivors, and advocate for more proactive legislation;

Whereas, during Human Trafficking Awareness Month and throughout the year, Sullivan County is provided an opportunity to celebrate the collaboration and work that has been done while rededicating ourselves to all that is still left to do, to reflect upon and honor the resilience, perseverance, and courage of survivors, and to urge everyone to recognize that we all have an active part to play in protecting the most vulnerable in our communities and ensuring survivors receive the care, support, and services they need;

Now, therefore, be it resolved, that the Mayor of Sullivan County, Tennessee, does hereby proclaim the month of January 2024 as Human Trafficking Awareness Month and January 11, 2024, as Human Trafficking Awareness Day, aligning with the State of Tennessee and the rest of the nation in renewing our pledge to remember victims and survivors of human trafficking and in reaffirming our commitment to end their exploitation in communities across Sullivan County.

Subscribed this 21st day of December 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Sullivan County, Tennessee to be affixed in Blountville on this 21st day of December 2023.



*Richard S. Venable*

Richard S. Venable, Sullivan County Mayor

# Agenda subject voting report

008

Meeting name

Sullivan County Commission December-21 2023

12/21/2023

3,2 Approval of Commission Minutes

**Description**

Motion to approve by Comm. Gardner

**Chairman**

Venable, Richard 2nd by Crawford

<b>Total vote result</b>	
<b>Voting start time</b>	6:34:21 PM
<b>Voting stop time</b>	6:34:48 PM
<b>Voting configuration</b>	Vote
<b>Voting mode</b>	Open
<b>Vote result</b>	

Yes	22
Abstain	0
No	0
Total Present	22
Absent	2

**Group voting result**

Group	Yes	Absent
No group	22	0
<b>Total result</b>	<b>22</b>	<b>0 2</b>

**Individual voting result**

Name	Yes	Abstain	No	Absent
Akard, David ()	X			
Calton, Darlene ()	X			
Carr, Joe ()	X			
Cole, Michael ()	X			
Crawford, Larry ()	X			
Cross, Andrew ()	X			
Crosswhite, Joyce ()	X			
Gardner, John ()	X			
Glover, Hershel ()	X			
Harvey, Cheryl ()	X			
Hayes, David ()	X			
Horne, Daniel ()				X
Ireson, Mark ()	X			
Jones, Sam ()	X			
King, Dwight ()	X			
Leonard, Tony ()	X			
Locke, Hunter ()	X			
McMurray, Joe ()				X
Means, Jessica ()	X			
Pierce, Archie ()	X			
Slagle, Matt ()	X			
Stidham, Gary ()	X			
Vanover, Zane ()	X			
Ward, Travis ()	X			



SULLIVAN COUNTY CLERK  
TERESA JACOBS COUNTY CLERK  
3258 HIGHWAY 126 SUITE 101  
BLOUNTVILLE TN 37617  
Telephone 423-323-6428  
Fax 423-279-2725

Notaries to be elected December 21, 2023

- 
- |                        |                           |
|------------------------|---------------------------|
| HOLLI ARNOLD           | MARY LYNN GROVE           |
| DEBORAH ANN BARKER     | KELLIE-JEAN HOFFMANN      |
| PENNY D BAYS           | ALEXIS MATTISON HORTON    |
| JESSICA N BLANKENSHIP  | PAGE M JEFFERS            |
| ANGELA BLEVINS         | HEATHER LOTHTRIDGE        |
| REBECCA BRITT CABELL   | MADISON KIERRA LOWE       |
| JOSH CAMPBELL          | JANET B MULLINS           |
| SARAH CARTY            | SAVANNAH MURRAY           |
| SONYA LYNNE CLARK      | AMY NECESSARY             |
| HEATHER COLLINGS       | DERICA K PARKER           |
| SHERRY LYNN DOLEN      | JANE N. PATRICK           |
| L. DORSCHUG            | SUZANNE SHACKELFORD QUEEN |
| ALISA EMERY            | CHARITY THOMAS            |
| BROOKE ESCH            | KELLI ELIZABETH THOMAS    |
| JENNIFER FALKEN        | BRANDI VANCE              |
| DAWN M. FORD           | KRISTI WHITE              |
| PATRICIA SUSAN GARDNER | HARRY LEWIS WINE JR.      |
| ASHLY RENEE GLENN      |                           |

PERSONAL SURETY  
NOTARY PUBLIC BOND  
JAMES WATKINS  
DAVID RAY

UPON MOTION MADE BY COMM. CROSS AND SECONDED BY COMM. COLE TO APPROVE THE  
NOTARY APPLICATIONS HEREON, SAID MOTION WAS APPROVED BY ROLL CALL VOTE OF THE  
COMMISSION.

22 YES, 2 ABSENT

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

APPROVAL OF NOTARY

SURETY BONDS

December 21, 2023

<b>Name of Notary</b>	<b>Personal Surety</b>	<b>Personal Surety</b>
<b>Cecilia E. Carrier</b>	<b>Randy M. Kennedy</b>	<b>Rebecca J. Myers</b>
<b>Abbygaile T. Cross</b>	<b>Randy M. Kennedy</b>	<b>Rebecca J. Myers</b>
<b>Timothy Hudson</b>	<b>Wendy Boomershine</b>	<b>E. Lynn Dougherty</b>
<b>Daniel D. Coughlin</b>	<b>Myers N. Massengill II</b>	<b>L. Carter Massengill</b>

**UPON MOTION MADE BY COMM. CROSS AND SECONDED BY COMM. COLE TO APPROVE THE NOTARY BONDS OF THE ABOVE NAMED INDIVIDUALS, SAID MOTION WAS APPROVED BY ROLL CALL VOTE OF THE COMMISSION.**

**22 YES, 2 ABSENT**

# Agenda subject voting report

011

Meeting name

Sullivan County Commission December-21 2023

12/21/2023

4 Approval of Notaries Public

**Description**

**Chairman** Venable, Richard

<b>Total vote result</b>	
<b>Voting start time</b>	6:37:00 PM
<b>Voting stop time</b>	6:37:13 PM
<b>Voting configuration</b>	Vote
<b>Voting mode</b>	Open
<b>Vote result</b>	

Yes	22
Abstain	0
No	0
Total Present	22
Absent	2

**Group voting result**

Group	Yes	Absent
No group	22	0
<b>Total result</b>	<b>22</b>	<b>0</b>

**Individual voting result**

Name	Yes	Abstain	No	Absent
Akard, David ()	X			
Calton, Darlene ()	X			
Carr, Joe ()	X			
Cole, Michael ()	X			
Crawford, Larry ()	X			
Cross, Andrew ()	X			
Crosswhite, Joyce ()	X			
Gardner, John ()	X			
Glover, Hershel ()	X			
Harvey, Cheryl ()	X			
Hayes, David ()	X			
Horne, Daniel ()				X
Ireson, Mark ()	X			
Jones, Sam ()	X			
King, Dwight ()	X			
Leonard, Tony ()	X			
Locke, Hunter ()	X			
McMurray, Joe ()				X
Means, Jessica ()	X			
Pierce, Archie ()	X			
Slagle, Matt ()	X			
Stidham, Gary ()	X			
Vanover, Zane ()	X			
Ward, Travis ()	X			



Sullivan County  
Board of County Commissioners  
243<sup>rd</sup> Annual Session

**CONSENT AGENDA**  
**DECEMBER 21, 2023**

Item 3 Resolution No. 2023-12-02 (ON CONSENT)

Sponsors: Crosswhite/Akard

RESOLUTION TO ADOPT THE COMPREHENSIVE TRANSPORTATION PLANNING STUDY OF STATE ROUTE 358/WEAVER PIKE CORRIDOR IN THE COUNTY, PER THE TENNESSEE DEPARTMENT OF TRANSPORTATION GRANT

Item 4 Resolution No. 2023-12-03 (ON CONSENT)

Sponsors: Cole/Ward

RESOLUTION TO APPROVE THE ACCEPTANCE OF THE FY 24 TRAINING EQUIPMENT GRANT

Item 5 Resolution 2023-12-04 (ON CONSENT)

Sponsors: Cole/Ward

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS TO THE SULLIVAN COUNTY COURT ROOM SECURITY BUDGET FROM THE TENNESSEE GENERAL ASSEMBLY FOR THE COURTS (AOC) COURT SECURITY GRANT PROGRAM APPLICATION.

Item 7 Resolution No. 2023-12-06 (ON CONSENT)

Sponsors: Ward/Cole

RESOLUTION TO SUBMIT THE 2023-2024 JAG APPLICATION, ACCEPT FUNDS AND APPROPRIATE FUNDS. IN THE AMOUNT OF \$20,721.00 AND APPROVE THE FUNDS TO BE USED AS REQUIRED FOR LAW ENFORCEMENT PURPOSES BY THE SULLIVAN COUNTY SHERIFF'S OFFICE.

Item 9 Resolution No. 2023-12-08 (ON CONSENT)

Sponsors: Glover/Calton

RESOLUTION TO AMEND THE RESOLUTION NUMBER 2023-11-04 PROVIDING FOR SULLIVAN COUNTY'S LOCAL PARTICIPATION IN THE PROPERTY TAX RELIEF PROGRAM TO REPLACE THE METHOD OF ADMINISTERING THE PAY-OUT FOR THE PROGRAM DIRECTED BY THE SULLIVAN COUNTY TRUSTEE'S OFFICE.

*NOTE: Item 9 (Resolution No. 2023-12-08) was distributed at Work Session individually, rather than as part of packet.*

# Agenda subject voting report

014

Meeting name

Sullivan County Commission December-21 2023

12/21/2023

4.2 Consent Agenda (3, 4, 5, 7, 9)

Motion to approve by Comm. Gardner  
2nd by Comm. Crawford

**Description**

**Chairman**

Venable, Richard

**Total vote result**

**Voting start time** 6:57:05 PM  
**Voting stop time** 6:57:28 PM  
**Voting configuration** Vote  
**Voting mode** Open  
**Vote result**

Yes	22
Abstain	0
No	0
Total Present	22
Absent	2

**Group voting result**

Group	Yes	Absent
No group	22	0
<b>Total result</b>	<b>22</b>	<b>0/2</b>

**Individual voting result**

Name	Yes	Abstain	No	Absent
Akard, David ()	X			
Calton, Darlene ()	X			
Carr, Joe ()	X			
Cole, Michael ()	X			
Crawford, Larry ()	X			
Cross, Andrew ()	X			
Crosswhite, Joyce ()	X			
Gardner, John ()	X			
Glover, Hershel ()	X			
Harvey, Cheryl ()	X			
Hayes, David ()	X			
Horne, Daniel ()				X
Ireson, Mark ()	X			
Jones, Sam ()	X			
King, Dwight ()	X			
Leonard, Tony ()	X			
Locke, Hunter ()	X			
McMurray, Joe ()				X
Means, Jessica ()	X			
Pierce, Archie ()	X			
Slagle, Matt ()	X			
Stidham, Gary ()	X			
Vanover, Zane ()	X			
Ward, Travis ()	X			

*Sullivan County*  
*Board of County Commissioners*  
*243<sup>rd</sup> Annual Session*

015

Item 2  
No. 2023-10-13

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 23rd day of October 2023.

**RESOLUTION TO ESTABLISH AN AD HOC NON-PROFIT COMMITTEE. THIS COMMITTEE WILL CREATE A PROCESS FOR INITIAL APPLICATION, ANNUAL REPORTS, AND ANNUAL REAPPLICATION FOR NON-PROFIT ORGANIZATIONS TO FOLLOW WHEN REQUESTING FUNDS FROM THE SULLIVAN COUNTY COMMISSION.**

WHEREAS, the Sullivan County Commission receives several new requests every year from new and existing non-profit organizations, and

WHEREAS, the Sullivan County Commission currently splits those applications between the Administrative and Executive Committees, with neither group knowing what the other is recommending, and

WHEREAS, establishing a non-profit committee that has clearly defined guidelines and reviews all applications, will greatly expedite the process and increase public trust in an open and fair system.

**NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the formation of an AD HOC Non-Profit Committee to meet with the purpose of creating the guidelines to be followed and providing the Sullivan County Commission with a complete recommended list for non-profit funds distribution. The AD HOC Non-Profit Committee shall consist of (1) county commissioner from each of the following committees: 1) Administrative Committee, 2) Budget Committee, and 3) Executive Committee. This ADHOC committee shall begin meeting with the passage of this resolution, and thereafter report progress to the Commission quarterly.**

**THEREFORE, BE IT ALSO RESOLVED, that the Board of County Commissioners of Sullivan County, Tennessee, establish the non-profit budget for FY2024-2025 be set at \$300,000.**

This resolution shall take effect from and after its passage. All resolutions in conflict herewith shall be and the same are hereby rescinded insofar as such conflict exists.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_

Teresa Jacobs, County Clerk

Richard S. Venable, County Mayor

**Sponsored By: Commissioner Mark Ireson**

**Co-Sponsor(s): Commissioners Cheryl Harvey, Zane Vanover, Joyce Crosswhite**

**No. 2023-10-12 Actions:** Introduced Oct. 23 at Full Commission; deferred by sponsor at November Full Commission; during Dec. 14 Work Session, sponsor Ireson stated intent to withdraw at Monthly Meeting on Dec. 21. 12/21/23 Withdrawn by Sponsor

# *Sullivan County*

016

## *Board of County Commissioners 243rd Annual Session*

Item 3  
No. 2023-12-02

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21<sup>st</sup> day of December 2023.

### **RESOLUTION TO ADOPT THE COMPREHENSIVE TRANSPORTATION PLANNING STUDY OF STATE ROUTE 358/WEAVER PIKE CORRIDOR IN THE COUNTY, PER THE TENNESSEE DEPARTMENT OF TRANSPORTATION GRANT.**

WHEREAS, the Tennessee Department of Transportation (TDOT) awarded Sullivan County the 2022 Transportation Planning Grant, which was accepted by the Sullivan County Board of Commissioners on July 28, 2022; and

WHEREAS, TDOT contracted with CDM Smith Inc., from Knoxville, being a certified transportation engineering firm, who completed the comprehensive study and recommendations for safety, accessibility, and multimodal improvements; and

WHEREAS, the consultants and planning team led a public survey during April 2023, a public engagement meeting in June, and a follow up public information meeting in July, held at Sullivan East High School, which focused on the intersecting roadway networks along the corridor; and

WHEREAS, CDM Smith Consultants presented the Transportation Study and Recommendations to the County Commission on September 21, 2023; and

WHEREAS, the Planning Director presented the Report and Recommendations to the Sullivan County Planning Commission on October 17, 2023, as well as to the Board of Education on December 7, 2023; and

WHEREAS, the State Route 358/Weaver Pike Corridor Transportation Study along with the report and recommendations can help preserve and enhance the corridor, serve as a guide for future traffic safety and accessibility improvements for existing businesses and future growth while offering recommendations for multimodal accommodations and connectivity between public schools;

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby adopts the Report and Recommendations of the Urban Transportation Planning Grant study of Weaver Pike (SR 358) Corridor segment within the unincorporated corridor of Sullivan County.**

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

### **WAIVER OF RULES REQUESTED**

Duly passed and approved this 21<sup>st</sup> day of December, 2023.



Attest: Teresa Jacobs  
Teresa Jacobs, County Clerk

Approve: Richard S. Venable  
Richard S. Venable, County Mayor

017

**Sponsor: Comm. Crosswhite, Akard, King,  
Glover Prime Co-Sponsor(s): Comm. Calton**

**No. 2023-12-02 Actions:** Introduced Dec. 14, 2023 Work Session and placed on Consent Calendar for Dec. 21  
Monthly Meeting. 12/21/23 Approved on Consent 22 Yes, 2 Absent

*Sullivan County*  
*Board of County Commissioners*  
*243<sup>rd</sup> Annual Session*

018

Item 4  
No. 2023-12-03

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of December, 2023.

**RESOLUTION to approve the acceptance of the FY 24 Training Equipment Grant**

WHEREAS, the Sullivan County Sheriff's Office has a need for updated/new equipment to aid in the training of correctional staff; and

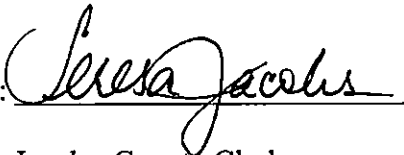
WHEREAS, the FY 24 Training Equipment Grant amount is \$13,855 with no matching funds required to be used to procure, install, and utilize new training equipment that assists in the successful execution and facilitation of correctional staff training; and

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorize the Sullivan County Sheriff's Office to execute the FY 2024 Training Equipment Grant application in the amount of \$13,855 and approve the funds to be used as required for law enforcement purposes by the Sullivan County Sheriff's Office. Revenue, Expenditure, Object, and Program codes for the FY 24 Training Equipment Grant will be assigned by Accounts and Budgets.**

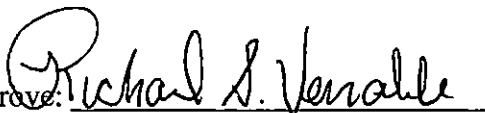
***WAIVER OF RULES REQUESTED***

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Approved this 21<sup>st</sup> day of December, 2023.

Attest: 

Teresa Jacobs, County Clerk

Approve: 

Richard S. Venable, County Mayor

**Sponsored By: Michael Cole**  
**Co-Sponsor(s): Travis Ward**

**No. 2023-12-03 ACTIONS:** Introduced Dec. 14 Work Session and placed on Consent Calendar for Dec. 21 Monthly Meeting. 12/21/23 Approved on Consent 22 Yes, 2 Absent

*Sullivan County*  
*Board of County Commissioners*  
*243<sup>rd</sup> Annual Session*

019

Item 5  
No. 2023-12-04

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of December, 2023.

**RESOLUTION to Accept and Appropriate Funds to the Sullivan County Court Room Security Budget from the Tennessee General Assembly for the Courts (AOC) Court Security Grant Program application.**

WHEREAS, the Tennessee General Assembly has grant funding available for bringing every Tennessee county up to the 1990s and 2018 Minimum Courthouse Security Standards; and

WHEREAS, the Court Room Security budget could utilize these grant funds to update the equipment in the Sullivan County Court Rooms to bring them up to the Minimum Courthouse Security Standards; and

WHEREAS, the Sullivan County Court Room Security Budget's share of funding from the Tennessee General Assembly from the Courts (AOC) Court Security Grant Program application is in the amount of \$126,423.58 and no matching funds required; and

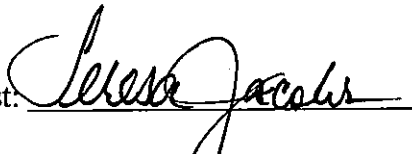
**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorize the Sullivan County Court Room Security Budget to accept these Courts (AOC) Court Security Grant Program funds from the Tennessee General Assembly in the amount of \$126,423.58 and approve the funds to be used as required by the grant application.**

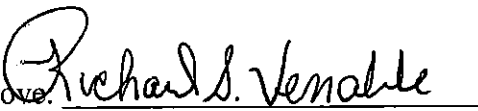
**BE IT FURTHER RESOLVED that upon approval of said grant application, Sullivan County is hereby authorized to receive, appropriate, and expend said grant funds; not to exceed the above amount (\$126,423.58), as required by the grant contract. The revenue and expenditure account codes for the grant are to be established by the Accounts and Budgets Department.**

***WAIVER OF RULES REQUESTED***

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Approved this 21<sup>st</sup> day of December, 2023.

Attest:   
Terresa Jacobs, County Clerk

Approve:   
Richard S. Venable, County Mayor

**Sponsored By: Michael Cole**  
**Co-Sponsor(s): Travis Ward**

**No. 2023-12-04 ACTIONS:** Introduced Dec. 14, 2023 Work Session and placed on Consent Calendar for Dec. 21 Monthly Meeting. 12/21/23 Approved on Consent 22 Yes, 2 Absent

Sullivan County  
Board of County Commissioners  
243rd Annual Session

Item 6  
No. 2023-12-05

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of December, 2023.

**RESOLUTION TO AUTHORIZE AND APPROPRIATE FUNDS FOR AN ACTUARIAL STUDY TO DETERMINE THE COST ASSOCIATED WITH ALLOWING MEMBERS OF THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (“TCRS”) TO ESTABLISH RETIREMENT CREDIT IN TCRS FOR CERTAIN FORMER BOARD MEMBER SERVICE RENDERED TO A CITY, COUNTY, OR SPECIAL SCHOOL DISTRICT IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED, TITLE 8, CHAPTERS 34 – 37.**

**WHEREAS**, Tennessee Code Annotated, Section 8-35-226 provides that appointed or elected school board members of special school districts, and members of city or county boards, commissions, committees, councils and the like, by whatever name known, who are elected by popular vote and whose duties are performed intermittently or periodically for the purposes of fixing rates, issuing permits or licenses, regulating trades or professions, or who serve in an advisory, study or planning capacity and the like (hereinafter collectively referred to as “Board Members”), shall be eligible for membership in TCRS upon passage of a resolution by the chief legislative body of the city, county, or special school district authorizing such membership; and

**WHEREAS**, Tennessee Code Annotated, Section 8-35-203(d) provides that any TCRS member who would have been eligible to participate in TCRS as a Board Member, but was not a Board Member with the political subdivision on the date the above resolution was passed, may be eligible for retirement credit for prior service rendered as a Board Member for that political subdivision under the following conditions:

- (1) The chief legislative body of the political subdivision authorizes and pays for the cost of an actuarial study to determine the liability associated with the granting of the service credit;
- (2) Following review of the cost of granting the service credit, the chief governing body of the political subdivision passes a resolution authorizing the service credit and accepting the liability for such credit;
- (3) A member desiring to establish the prior service credit may only obtain credit for such periods of previous service as authorized for other employees of the city, special school district or county;
- (4) The member must make a lump sum payment equal to the employee contributions the member would have made as a Board Member had the member been a member of TCRS during the period claimed, plus interest at the rate provided in Tennessee Code Annotated, Section 214;
- (5) Retirement benefits payable to the members on service established pursuant to any such resolution shall be computed in accordance with the provisions of Tennessee Code Annotated, Title 8, Chapter 36, including the limitations of Section 8-36-102. However, in no event shall the minimum service retirement allowance be less than the following, depending on which dollar amount was selected by the chief legislative body for its current Board Members:
  - (A) Seven dollars (\$7.00) per month for each year of creditable service;
  - (B) Eight dollars (\$8.00) per month for each year of creditable service;
  - (C) Eighteen dollars and one cent (\$18.01) per month effective as of July 1, 2023 for each year of such creditable service, but adjusted on each July 1 thereafter pursuant to the cost-of-living provisions in Tennessee Code Annotated, Section 8-36-701(b)(1) and (2);

or

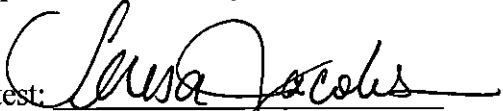
(D) Twenty-five dollars and seventy-three cents (\$25.73) per month effective as of July 1, 2023 for each year of such creditable service, but adjusted on each July 1 thereafter pursuant to the cost-of-living provisions in Tennessee Code Annotated, Section 8-36-701(b)(1) and (2); and

(6) Any service established pursuant to such a resolution shall be independent of all other creditable service the member has in TCRS for the purpose of calculating the member's average final compensation; and **NOW THEREFORE, BE IT RESOLVED**, that the Board of Sullivan County Commissioners hereby authorizes and agrees to pay for an actuarial study to determine the estimated increased pension liability created by the granting of the prior service credit.

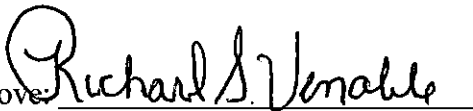
**BE IT FURTHER RESOLVED** that there is hereby appropriated from the general funds of the Political Subdivision such amount as is required to pay for the cost of the actuarial study. Upon receipt of the actuarial study results, the Political Subdivision shall pay the cost for the study from the funds herein above appropriated to TCRS, or as otherwise directed by TCRS.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith shall be and the same are hereby rescinded insofar as such conflict exists.

Approved this 21<sup>st</sup> day of December, 2023.

Attest: 

Teresa L. Jacobs, County Clerk

Approve: 

Richard S. Venable, County Mayor

**Sponsor: Commissioner Mark Ireson**

**Co-Sponsors: Commissioner Gary Stidham**

**No. 2023-12-05 ACTIONS:** Introduced during Work Session on December 14, 2023. Reformatted to make more user friendly for December 21, 2023 Monthly Meeting. 12/21/23 Approved on Waiver of Rules 21 Yes, 1 No, 2 Absent

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

023

I, Teresa Jacobs, clerk of the Governing Body of the Political Subdivision do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted in accordance with applicable law at a meeting held on the 21<sup>st</sup> day of December, 2023, the original of which is on file in this office.  
IN WITNESS WHEREOF, I have hereunto set my hand, and the seal of the Political Subdivision.

As Clerk of the Board, as aforesaid

Teresa Jacobs  
Teresa Jacobs, Sullivan County Clerk

12/22/23  
Date



Agenda subject voting report

Meeting name

Sullivan County Commission December-21 2023

12/21/2023

33 Item 6 Resolution No. 2023-12-05 Sponsors: Ireson/Stidham  
Vote

Description

A RESOLUTION to authorize and appropriate funds for an actuarial study to determine the cost associated with allowing members of the Tennessee Consolidated Retirement System ("TCRS") to establish retirement credit in TCRS for certain former board member service rendered to a city, county or special school district in accordance with Tennessee Code Annotated, Title 8, Chapters 34 – 37.

Chairman

Venable, Richard

Total vote result

Voting start time 7:00:00 PM  
Voting stop time 7:00:19 PM  
Voting configuration Vote  
Voting mode Open  
Vote result

Yes	21
Abstain	0
No	1
Total Present	22
Absent	2

Group voting result

Group	Yes	No	Absent
No group	21	1	0
<b>Total result</b>	<b>21</b>	<b>1</b>	<b>0</b>

Individual voting result

Name	Yes	Abstain	No	Absent
Akard, David ()	X			
Calton, Darlene ()	X			
Carr, Joe ()			X	
Cole, Michael ()	X			
Crawford, Larry ()	X			
Cross, Andrew ()	X			
Crosswhite, Joyce ()	X			
Gardner, John ()	X			
Glover, Hershel ()	X			
Harvey, Cheryl ()	X			
Hayes, David ()	X			
Horne, Daniel ()				X
Ireson, Mark ()	X			
Jones, Sam ()	X			
King, Dwight ()	X			
Leonard, Tony ()	X			
Locke, Hunter ()	X			
McMurray, Joe ()				X
Means, Jessica ()	X			
Pierce, Archie ()	X			
Slagle, Matt ()	X			
Stidham, Gary ()	X			
Vanover, Zane ()	X			
Ward, Travis ()	X			



*Sullivan County*  
*Board of County Commissioners*  
*243<sup>rd</sup> Annual Session*

Item 7  
No. 2023-12-06

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21<sup>st</sup> day of December, 2023.

**RESOLUTION to Submit the 2023-2024 JAG Application, Accept Funds and Appropriate Funds. in the amount of \$20,721.00 and approve the funds to be used as required for law enforcement purposes by the Sullivan County Sheriff's Office.**

**WHEREAS**, the Sullivan County Sheriff's Office has administered the United States Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) for a number of years specifically to purchase equipment and supplies for law enforcement purposes; and

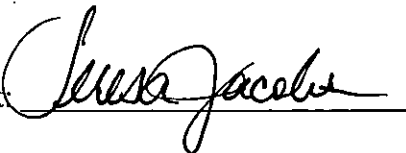
**WHEREAS**, the 2023-2024 grant amount is \$20,721.00 with no matching funds required.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorize the Sullivan County Mayor to execute and submit the 2023-2024 Department of Justice for a "JAG" GRANT application in the amount of \$20,721.00 and approve the funds to be used as required for law enforcement purposes by the Sullivan County Sheriff's Office.

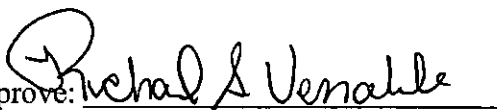
**BE IT FURTHER RESOLVED** that upon approval of said grant application, Sullivan County is hereby authorized to receive, appropriate, and expend said grant funds; not to exceed the above amount (\$20,721.00), as required by the grant contract. The revenue and expenditure account codes for the grant are 47990-913 and 54110.400.913, respectively.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Approved this 21<sup>st</sup> day of December, 2023.

Attest: 

Teresa Jacobs, County Clerk

Approve: 

Richard S. Venable, County Mayor

**Sponsor: Travis Ward**

**Co-Sponsor(s): Michael Cole**

**No. 2023-12-03 ACTIONS:** Introduced Dec. 14 Work Session and placed on Consent Calendar for Dec. 21 Monthly Meeting. 12/21/23 Approved on Consent 22 Yes, 2 Absent

*Sullivan County*  
*Board of County Commissioners*  
*243<sup>rd</sup> Annual Session*

Item 8  
 Resolution No. 2023-12-07

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of December, 2023.

**A RESOLUTION URGING THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE TO ENACT LAW TO FACILITATE NULLIFICATION OF CERTAIN FEDERAL ACTION AND FEDERAL OVERREACH TO UPHOLD STATE SOVEREIGNTY**

**WHEREAS**, Federal overreach is running rampant in the United States of America impacting all aspects of life and governance; and

**WHEREAS**, all three branches of the United States government, executive, legislative, and judicial have, at times, exceeded their constitutional authority; and

**WHEREAS**, state and local governments suffer from interference by: federal actions, federal court decisions made concerning state and local affairs of government, bureaucratic rulemaking by federal agencies, and by federal law making outside of constitutional boundaries; and

**WHEREAS**, state and local government departments are often held hostage by federal funding mandates that are designed to control state and local policies by the power of the federal purse; and

**WHEREAS**, it may be necessary and proper from time to time for the state of Tennessee to nullify federal actions and overreach to maintain state sovereignty in areas of authority that are reserved to the states by the Tenth Amendment to the United States Constitution, which reads as follows: *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."*

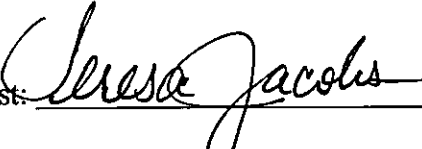
**NOW, THEREFORE, BE IT RESOLVED** by the Sullivan County Board of Commissioners meeting this 14<sup>th</sup> day of December 2023 as follows:

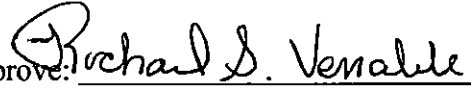
**SECTION 1**, That the General Assembly of the state of Tennessee is urged to enact law to facilitate nullification of federal actions and overreach as it deems proper and necessary to maintain state sovereignty, giving deference to the language, or similar language, included in the document attached hereto as Exhibit A, more specifically titled House Bill 726 and Senate Bill 1092, of the 2023 legislative session.

**SECTION 2**, That upon approval and signing of this resolution, the Sullivan County Clerk is requested to transmit a copy of this resolution to the governor of the state of Tennessee, the state representatives and state senator that represent Sullivan County, Tennessee, the speaker of the Tennessee House of Representatives, and the Lieutenant Governor of Tennessee.

**This resolution shall take effect from and after its passage. All resolutions in conflict herewith shall be and the same are hereby rescinded insofar as such conflict exists.**

Approved this 21<sup>st</sup> day of December, 2023.

Attest:   
Teresa L. Jacobs, County Clerk

Approve:   
Richard S. Venable, County Mayor

**Sponsor: Commissioner Jessica Means**

**Co-Sponsors: Commissioners Zane Vanover, Joe Carr, Hunter Locke, David Hayes, Joe McMurray, Larry Crawford, David Akard, Matt Slagle, Gary Stidham, Mark Ireson, everyone voting in the affirmative.**

**No. 2023-12-07 ACTIONS:** Introduced on December 14th at Work Session. 12/21/23 Approved 22 Yes, 2 Absent

# Exhibit A

HB 726

SENATE BILL 1092  
By Bowling

Type text here.

HOUSE BILL 726

By Hulsey

AN ACT to amend Tennessee Code Annotated, Title 3 and Title 4, relative to nullification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding Sections 2 through 13 as a new chapter.

SECTION 2. This chapter is known and may be cited as the "Restoring State Sovereignty Through Nullification Act."

SECTION 3. The general assembly makes the following findings:

(1) Article I, Section 1 of the Constitution of Tennessee (All power is inherent in the people) declares: "That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.";

(2) Article I, Section 2 of the Constitution of Tennessee (Doctrine of nonresistance condemned) declares: "That government being instituted for the common benefit, the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.";

(3) When "We the People" ordained and established the Constitution of the United States of America, the people and the states granted only specific, limited powers to the federal government, with those areas of federal powers being enumerated in Article I, Section 8 of the Constitution of the United States;

(4) Articles I, II, and III of the Constitution of the United States, respectively, vest the legislative, executive, and judicial powers to and within separate branches of the federal government (horizontal separation of powers), such that lawmaking powers are vested only in the legislative branch of the United States congress, that enforcement powers are vested only in the executive branch (president and executive agencies), and that judicial powers are vested only in the judicial branch (supreme court of the United States and other inferior federal courts created by the United States congress);

(5) This horizontal separation of powers in the Constitution of the United States reflects the understanding that our federal founding fathers had derived from both scripture and experience that sinful man could not be trusted to always be virtuous and public-minded, and as such, they did not want undue power to be combined in any branch of government where, if left unchecked, it could become tyrannical;

(6) Nothing in the Constitution of the United States permits congress to delegate or confer any lawmaking power to any other branch of government, because it has no enumerated powers to create lawmakers. When the president and federal courts are vested, respectively, with the executive and judicial powers, neither of those branches are granted general powers of lawmaking. Therefore, no person, agency, or department of any other branch of the federal government, not even the supreme court or the president of the United States, has any lawmaking power under the Constitution of the United States;

(7) In Article I, Section 7, paragraph 2 of the Constitution of the United States, the text describes how federal laws are to be made. Bills must be passed by both houses of congress and then approved by the president (or by a presidential veto by congress). This is the only method of lawmaking under the Constitution of the United States. Thus, contrary to popular opinion, federal executive orders, federal agency rules

and regulations, and federal court opinions are not laws at all, and they are certainly not settled law or the supreme law of the land. Instead, any action by the executive branch or the judicial branch that purports to be law, or that purports to be treated as law, is a usurpation of powers not delegated to it;

(8) It is not uncommon for congress and the federal executive branch to erroneously elevate federal court opinions to the status of "law," sometimes even regarding court opinions as having amended the language of the Constitution of the United States;

(9) It is not uncommon for congress and the federal courts to erroneously elevate federal executive orders to the status of "law," sometimes even regarding executive orders as having amended the language of the Constitution of the United States;

(10) The principle of "separation of powers" is so innately representative of a republican form of government that the Constitution of Tennessee (Article II, Sections 1 and 2) upholds and reinforces this principle of horizontal "separation of powers" within the three departments of our Tennessee state government;

(11) When creating a federal government by ratifying the Constitution of the United States, the people and the states also designed a second, and more important, "separation of powers," that being a vertical separation of powers between the superior sovereign states and the inferior federal government;

(12) A vertical "separation of powers" was explicitly set out in Article I, Section 8 of the Constitution of the United States, wherein only limited, enumerated, lawmaking powers were granted to the federal government;

(13) This vertical "separation of powers" was also incorporated into the United States bill of rights, whereby (a) in the first amendment, congress was specifically denied

lawmaking power within those fields listed in the first amendment; (b) in the ninth amendment, the federal government was specifically prohibited from interfering with rights not mentioned in the Constitution of the United States; and (c) in the tenth amendment, the federal government was specifically denied powers not delegated to it in the Constitution of the United States;

(14) This vertical "separation of powers" was generally well-known by the people and the states, and was known and respected by the federal government, for over one hundred (100) years of our nation's history, but the principle has in more recent decades been first disregarded, and subsequently even disbelieved, as if the federal government was supreme in all areas and was unlimited in its jurisdiction. Whether this shift in jurisprudence was intentional or accidental, active or passive, the shift is nevertheless not supported by the Constitution of the United States, by the laws of the United States, or by the constitutions of any of the sovereign states. The shift is thus an illegal usurpation of the Constitution of the United States, of the various state constitutions, and of the unalienable rights of the people;

(15) Any federal action that violates the horizontal "separation of powers" imposed by the Constitution of the United States, or that exceeds the jurisdictional limits imposed by the vertical "separation of powers," is therefore void, since the Constitution of the United States is the supreme law of the land;

(16) "[A] law repugnant to the Constitution is void." An act of congress repugnant to the Constitution of the United States cannot become a law. The Constitution supersedes all other laws and the individual's rights shall be liberally enforced in favor of him, the clearly intended and expressly designated beneficiary. *Marbury v. Madison*, 5 U.S. 137 (1803);



(17) "An unconstitutional law is void and is as no law. An offense created by it is not crime. A conviction under it is not merely erroneous but is illegal and void and cannot be used as a legal cause of imprisonment." *Ex parte Siebold*, 100 U.S. 371 (1879);

(18) "An unconstitutional act is not law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." *Norton v. Shelby County*, 118 U.S. 425 (1886);

(19) "Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them." *Miranda v. Arizona*, 384 U.S. 436 (1966);

(20) As Thomas Jefferson explained in the Kentucky Resolution of 1798: "When-so-ever the [Federal] government assumes undelegated power, its acts are unauthoritative, void and of no force." He added, "Where powers are assumed which have not been delegated, a nullification of the act is the remedy. That every state has a natural right and duty in cases not within [the authority of the Constitution]... to nullify of their own authority all assumptions of powers by others within their own states boundaries." The Constitution of the United States binds federal lawmakers by oath to support the Constitution, and when they fail to do so, the rightful remedy is for states to nullify their usurpations and to declare their acts void;

(21) Every constitutional officeholder, whether local, state, or federal, must first know and understand these important constitutional limitations of power, and thereafter, must determine individually how best to defend the rights of the people and to fulfill the oath of office. As illustrative of this principle, in 1832, Tennessee's own Andrew Jackson, as president, vetoed a bill to recharter the Bank of the United States. President Jackson opposed the bank's political power and financial influence, but his

veto was based substantially on constitutional grounds, notwithstanding the judgment of prior presidents and congress, not to mention the supreme court's decision upholding the bank's validity. President Jackson argued that the "separation of powers" principle meant that none of the branches of the federal government can pretend to have exclusive or supreme right to settle constitutional differences of opinion among them; since each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. He further said the opinion of judges has no more authority over congress than the opinion of congress has over judges; and on that point, the president is independent of both of them;

(22) President Andrew Jackson's veto illustrates that every officeholder must reach an independent judgment about the jurisdictional scope of the federal government under the Constitution of the United States and must thereafter act consistently on those judgments;

(23) The Constitution of the United States assures the people and the states that their respective rights and powers will be respected by the federal government;

(24) Each member of the general assembly shall, before they proceed to business, take an oath or affirmation to support the Constitution of Tennessee, and of the United States; and also the following oath: "I \_\_\_\_\_ do solemnly swear (or affirm) that as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people, or consent to any act or thing, whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this state." (Tennessee Constitution, Article X, Section 2);

(25) The people are the ultimate source of human governmental power under our constitutions, and the states, through their elected officers, are dutybound to fulfill their oath of office to preserve the rights of the people. It is therefore long overdue, and therefore urgently necessary, for this state to prescribe the manner in which, under the authority of the Constitutions of the United States and of Tennessee, the people's rights and the state's sovereignty may be asserted as against federal officeholders, whether individually or collectively, and

(26) This act is written to aid the people and the government of this state in the implementation and enforcement of the various provisions of the Constitution of the United States that expressly limit federal power and federal jurisdiction, and in furtherance of the rights of the people as set forth in Article I, Section 1 and Article I, Section 2 of the Constitution of Tennessee.

**SECTION 4. As used in this chapter:**

(1) "Federal action" includes federal law; a federal agency rule, policy, or standard; an executive order of the president of the United States; an order or decision of a federal court; and the making or enforcing of a treaty; and

(2) "Unconstitutional federal action" means a federal action enacted, adopted, or implemented without authority specifically delegated to the federal government by the people and the states through the United States Constitution.

**SECTION 5.** This chapter contemplates the review of any federal action to determine whether the action is an unconstitutional federal action. When evaluating a federal action, the general assembly shall consider the plain reading and reasoning of the text of the United States Constitution and the understood definitions at the time of the framing and construction of the Constitution by the framers before making a final declaration of constitutionality, as demonstrated by:

- (1) The ratifying debates in the several states;
- (2) The understanding of the leading participants at the constitutional convention;
- (3) The understanding of the doctrine in question by the constitutions of the several states in existence at the time the United States Constitution was adopted;
- (4) The understanding of the United States Constitution by the first United States congress;
- (5) The opinions of the first chief justice of the United States supreme court;
- (6) The background understanding of the doctrine in question under the English Constitution of the time; and
- (7) The statements of support for natural law and natural rights by the framers and the philosophers admired by the framers.

SECTION 6. It is declared that federal laws, federal executive actions, and federal court opinions must comply with the jurisdictional limitations of the United States Constitution. It is further declared that any federal action outside the enumerated powers set forth in the United States Constitution are in violation of the peace and safety of the people of this state, and therefore, said acts are declared void and must be resisted.

SECTION 7. The proper manner of resistance is a state action of nullification of the federal action.

SECTION 8.

(a) Nullification is the process whereby this state makes an official declaration that:

- (1) A specific federal action has exceeded the prescribed authority under the United States Constitution;

(2) That said action, as being *ultra vires*, will not be recognized as valid within the bounds of this state;

(3) That said action, as being *ultra vires*, is null and void in this state;

(4) That an officeholder, agency, or government employee, whether state, county, or city, serving under the authority of the Constitution of Tennessee shall not assist in any attempted enforcement of said federal action; and

(5) That state or local funds collected under the authority of the Constitution of Tennessee shall not be used to assist in any attempted enforcement of said federal action.

(b) The general assembly has sole authority to prescribe the crimes, penalties, fines, or other consequences of the violation of a bill of nullification by any person found within the boundary of this state. Said consequences must be specified in the bill of nullification before a final vote is taken on its passage.

SECTION 9. State nullification of federal action may be accomplished in any of the following ways:

(1) The governor may, by the governor's own executive authority, issue an executive order nullifying the same, whereby all executive departments of the state are bound by said order;

(2) Any member of the general assembly may introduce a bill of nullification in the general assembly. For any such proposed bill of nullification, the bill is not subject to debate or passage in committees, and proceeds directly to the floor of each house, where said bill shall, within five (5) legislative days, be scheduled for debate on the floor of each house, and thereafter, within three (3) legislative days after the debate is closed, shall be presented for a roll call vote on each floor. The bill, if passed in the same manner as other general law, has the force and effect of law, and becomes effective

immediately upon enactment. The time constraints listed in this subdivision (2) may be changed by majority vote of any house of subsequent general assemblies;

(3) Any court operating under the authority of the Constitution of Tennessee may render a finding or a holding of nullification in any case of which it otherwise has proper venue and jurisdiction, wherein the parties to said case will, upon final judgment, be bound thereby in the same manner as in other cases;

(4) Any combination of ten (10) counties and municipalities may, through the action of the executive or through the action of a majority of the governing legislative body, submit a petition of nullification to the speaker of the house of representatives, with a copy to the office of the attorney general and reporter, and upon satisfactory proof that said petitions are valid, the speaker of the house of representatives shall proceed to introduce the bill and follow the same methods and protocols as described in subdivision (2); and

(5) The signed petitions of two thousand (2,000) registered voters of this state may submit a petition of nullification to the speaker of the house of representatives, with a copy to the office of the attorney general and reporter, and upon satisfactory proof that said signatures are valid, the speaker of the house of representatives shall proceed to introduce the bill and follow the same methods and protocols as described in subdivision (2). Said voter petitions must not be submitted individually, but said petitions must be coordinated and compiled in batches, by county of voter registration, of not less than twenty-five (25) voters per county in a bundled batch.

SECTION 10. Before conducting a roll call vote on the floor of each house of the general assembly, the several committees of the general assembly may debate any bill of nullification, express its approval or disapproval, and add any penalty for violations of the bill. The results of all committee actions, as well as the result of the roll call vote on each house

floor, shall be published in the official records of each house and disseminated to the people in the same manner as with other bills:

SECTION 11: The procedures contained in this chapter are available to challenge any federal action, whether said action is past, present, or future. A bill of nullification must not be rejected because of any perceived statute of limitation or because said federal action was taken in the distant past. Any federal action may be considered, or reconsidered, as the people or their representatives may think proper.

SECTION 12: Regarding the same federal action, a bill of nullification must not be considered by the general assembly more than once each year. If said bill fails, then it may be considered again in any succeeding year, but not more than once per year. If said bill passes, then the provisions of Section 8 become the law of this state.

SECTION 13: Formal pleadings or petitions are not required for a bill of nullification. It is sufficient if the pleading or petition is in substantially the form as set forth below:

**Petition for Action Under the  
"Restoring State Sovereignty Through Nullification Act."**

Regarding your claim that the federal government has exceeded its authority under the U.S. Constitution, please list the following:

1. Date or Year of federal action: \_\_\_\_\_
2. Identify the federal branch, official, or agency: \_\_\_\_\_
3. Give the official name of the action, if known. If not known, then give the name by which the action is commonly known or identified: \_\_\_\_\_  
\_\_\_\_\_
4. Identify the specific action, or part of the action, that you assert is unconstitutional: \_\_\_\_\_  
\_\_\_\_\_

Identification of Petitioner (Registered Voter):

Signature

Printed Name

Street Address, City, County — Must match voter registration.

SECTION 14. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 15. This act takes effect upon becoming a law, the public welfare requiring it.



### Agenda subject voting report

Meeting name **Sullivan County Commission December-21 2023** 12/21/2023

36 Item 8 Resolution No. 2023-12-07 Sponsors: Means/Vanover  
Vote

**Description** A RESOLUTION URGING THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE TO ENACT LAW TO FACILITATE NULLIFICATION OF CERTAIN FEDERAL ACTION AND FEDERAL OVERREACH TO UPHOLD STATE SOVEREIGNTY

**Chairman** Venable, Richard

**Total vote result**  
**Voting start time** 7:19:20 PM  
**Voting stop time** 7:19:39 PM  
**Voting configuration** Vote  
**Voting mode** Open  
**Vote result**

Yes	22
Abstain	0
No	0
Total Present	22
Absent	2

**Group voting result**

Group	Yes	Absent
No group	22	0
<b>Total result</b>	<b>22</b>	<b>0 2</b>

**Individual voting result**

Name	Yes	Abstain	No	Absent
Akard, David ()	X			
Calton, Darlene ()	X			
Carr, Joe ()	X			
Cole, Michael ()	X			
Crawford, Larry ()	X			
Cross, Andrew ()	X			
Crosswhite, Joyce ()	X			
Gardner, John ()	X			
Glover, Hershel ()	X			
Harvey, Cheryl ()	X			
Hayes, David ()	X			
Horne, Daniel ()				X
Ireson, Mark ()	X			
Jones, Sam ()	X			
King, Dwight ()	X			
Leonard, Tony ()	X			
Locke, Hunter ()	X			
McMurray, Joe ()				X
Means, Jessica ()	X			
Pierce, Archie ()	X			
Slagle, Matt ()	X			
Stidham, Gary ()	X			
Vanover, Zane ()	X			
Ward, Travis ()	X			

**Sullivan County**  
**Board of County Commissioners**  
**243<sup>rd</sup> Annual Session**

Item 9  
No. 2023-12-08

To the Honorable Richard S. Venable, Sullivan County Mayor, and the Board of Sullivan County Commissioners meeting in Regular Session this 21<sup>st</sup> day of December 2023.

**RESOLUTION TO AMEND RESOLUTION NUMBER 2023-11-04 PROVIDING FOR SULLIVAN COUNTY'S LOCAL PARTICIPATION IN THE PROPERTY TAX RELIEF PROGRAM TO REPLACE THE METHOD OF ADMINISTERING THE PAY-OUT FOR THE PROGRAM DIRECTED BY THE SULLIVAN COUNTY TRUSTEE'S OFFICE.**

**WHEREAS**, Sullivan County approved payments up to \$400,000 to those eligible tax relief participants as approved by the State of Tennessee; and,

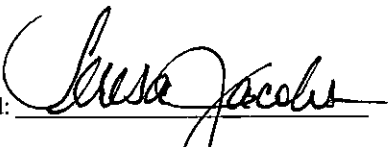
**WHEREAS**, the Trustee upon communication with other counties implementing the program learned that another county is distributing the County's portion of the rebate directly by the Trustee's Office to the approved taxpayers from taxes as they are collected; and,

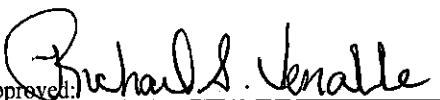
**WHEREAS**, the direct payment from the Trustee's Office from the property tax collections would be more efficient and direct to the participants of the program as well as allocation of the cost of the program upon the allocation of property taxes collected; and,

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby amends resolution number 2023-11-04 for the Trustee to pay the rebates directly to the taxpayers and take the amount from the tax collections before they are allocated.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded in-so-far as such conflict exists.

Duly passed and approved this 21<sup>st</sup> day of December, 2023.

Attested:   
Teresa Jacobs, County Clerk

Approved:   
Richard S. Venable, County Mayor

**Sponsor: Commissioner Glover**  
**Co-Sponsors: Comm. Calton, Comm. Crosswhite**

**No. 23-12-08 ACTION:** Introduced Dec. 14, 2023 Work Session and placed on Consent Agenda for Dec. 21st Monthly Meeting. 12/21/23 Approved on Consent 22 Yes, 2 Absent

**Sullivan County**  
**Board of County Commissioners**  
**243<sup>rd</sup> Annual Session**

Item 10  
Resolution No. 2023-12-09

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of December, 2023.

**RESOLUTION TO ENTER INTO AND APPROVE A CONTRACT BETWEEN K-VA-T FOOD STORES, INC. AND THE SULLIVAN COUNTY CLERK FOR LEASE OF SIDEWALK SPACE TO PLACE A KIOSK ON THEIR PREMISES TO BE USED FOR VEHICLE REGISTRATION RENEWALS.**

**WHEREAS**, during the COVID pandemic a great number of businesses had to close their doors to the public. The County Clerk’s office restricted public access inside its offices while drive-thru operations remained open.

**WHEREAS**, it is the desire of County Clerk Teresa Jacobs to be able to provide citizens with an additional method of renewing their vehicle registrations when access to the offices is restricted or limited such as during a pandemic, on weekends, on holidays, or after office hours.

**WHEREAS**, County Clerk Teresa Jacobs has purchased an outdoor kiosk giving the citizens of Sullivan County the ability to have 24/7 access to renew their vehicle registrations. This 24/7 outdoor kiosk will be the second kiosk to be installed at a Food City location in Sullivan County, with the first being installed at 1430 Volunteer Parkway, Bristol, TN in May of this year.

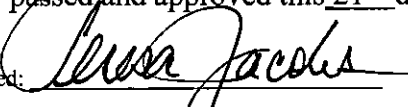
**WHEREAS**, County Clerk Teresa Jacobs has reached out to Food City located at 1205 N. Eastman Road, Kingsport, TN and expressed an interest in placing this kiosk on the sidewalk outside of their store.

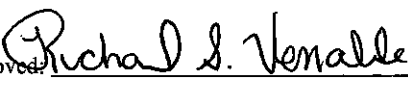
**WHEREAS**, Food City is in agreement with this arrangement and agrees to lease County Clerk a space on their sidewalk in the front of the store at no charge.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby approves the County Clerk entering into a contract with K-VA-T Food Stores, Inc. for the placement of a kiosk on their premises at 1205 N. Eastman Road, Kingsport, Tennessee. No fee or monetary commitment will be required by the county for the lease of the space. A copy of the contract is attached hereto.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 21<sup>st</sup> day of December, 2023.

Attested:   
Teresa Jacobs, County Clerk

Approved:   
Richard S. Venable, County Mayor

**Sponsored by: Commissioner John Gardner**  
**Prime Co-Sponsor(s): Commissioners Hunter Locke, Archie Pierce, Darlene Calton, everyone voting in the affirmative.**

**No. 2023-12-09 ACTIONS:** 12/21/23 Approved on Waiver of Rules 22 Yes, 2 Absent

## LICENSE AGREEMENT

**THIS LICENSE AGREEMENT** (“License”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2023 by and between K-VA-T Food Stores, Inc., a Virginia corporation, hereinafter “Licensor,” and Sullivan County, Tennessee, a political subdivision of Sullivan County Tennessee Government, hereinafter “Licensee”;

### RECITALS

**WHEREAS**, Licensor desires to license space on the sidewalk fronting its Food City supermarket further described herein; and

**WHEREAS**, Licensee desires to license from Licensor space on the sidewalk fronting Licensor’s Food City supermarket to provide and maintain a kiosk for the purposes further described herein; and

**NOW, THEREFORE**, Licensor and Licensee, for and in consideration of the mutual covenants and premises contained herein, the concession and operating privileges granted herein, the premises occupied or utilized, the adequacy of said consideration being hereby acknowledged by both Licensor and Licensee, do agree and have agreed as follows:

### 1. - BASIC LICENSE TERMS

In addition to terms that are defined elsewhere in this License, whenever used in this License, unless a different meaning clearly appears from the context, the following terms have the following meanings:

1.1 **Kiosk**. The term “Kiosk” means an unstaffed, self-contained, and pre-fabricated kiosk used to facilitate vehicle tag renewals. The Kiosk is depicted in **Exhibit “A”**, attached hereto and incorporated herein by reference.

1.2 **Licensor**. The term “Licensor” means K-VA-T Food Stores, Inc.

1.3 **Licensee**. The term “Licensee” means Sullivan County, Tennessee.

1.4 **Licensed Premises**. The term “Licensed Premises” means that certain floor space located within Licensor’s Food City supermarkets, as listed in **Exhibit “A”** hereof, for placement of the Kiosks, to be specifically located on the sidewalk fronting Licensor’s Food City supermarket in an area mutually agreeable to Licensor and Licensee.

1.5 **License Term**. The term “License Term” shall be construed to be a month-to-month tenancy, commencing on the Operational Date as hereinafter defined and ending on the thirtieth (30th) day after written notice from either Licensor or Licensee of its intention to terminate this License.

1.6 **Base Rent**. *The monthly rent shall be \$0.00.*

1.7 **Addresses**. See signature page.

1.8 **Permitted Use**. The term “Permitted Use” means the operation of the Kiosk and any related equipment for Licensee’s customers, members and/or other parties as well as other related uses.

1.9 **Common Areas.** The term "Common Areas" means all open and accessible areas situated on or at the Shopping Center (defined herein), which are intended for use by all Licensees of the Licensor, as well as all customers, clientele and invitees of Licensor, including without limitation, all parking areas and all ways located thereon for ingress and egress to and from the public ways abutting upon the Shopping Center.

1.10 **Operational Date.** The term "Operational Date" means

1.11 **Shopping Center.** The term "Shopping Center" means the tract or parcel of land, including all buildings, structures, and improvements located thereon, which is owned, licensed or controlled by the Licensor. The Licensed Premises are located at the Shopping Center.

1.12 **Property.** The term "Property" means that certain property listed in **Exhibit "A"** on which a Food City Supermarket is located.

## 2. - GRANTING CLAUSE AND RENT PROVISIONS

2.1 **Grant of Premises.** Licensor hereby licenses to Licensee and Licensee hereby takes and hires from Licensor the Licensed Premises, during the License Term, subject to the provisions of this License. Licensor also hereby grants to Licensee and Licensee hereby hires and takes from Licensor for the License Term, the non-exclusive right to use the Property and the Common Areas, as well as the parking areas, streets, roads, driveways and walkways located thereon, for parking, for any other lawful purpose, and for ingress and egress to and from the Licensed Premises.

2.2 **Base Rent.** *The monthly rent shall be \$0.00*

2.3 **Taxes.** Licensee shall, as additional rent, reimburse the Licensor for the portion of such taxes assessed against the Licensee's improvements within thirty (30) days after request by Licensor and upon the presentation of photocopies of written receipts from the taxing authorities evidencing that the taxes have been paid. At the commencement and end (however occurring) of this License Term, taxes required to be paid by Licensee hereunder shall be apportioned, and Licensor shall pay that portion thereof applicable to the period before the Operational Date and after the end of the License Term hereof, respectively. Licensee shall pay all taxes and assessments lawfully levied or assessed against the Kiosk and Licensee's equipment, trade fixtures and other personal property placed upon the Licensed Premises by Licensee.

## 3. - OCCUPANCY AND USE

3.1 **Use.** The Licensed Premises shall be used and occupied only for the Permitted Use. Licensee has inspected the Licensed Premises and accepts it in its present condition. Licensee, at its expense, shall comply with all applicable legal requirements pertaining to Licensee's use of the Licensed Premises and with all reasonable rules and regulations of the Shopping Center adopted or amended from time to time by Licensor.

3.2 **Parking and Access.** Licensee shall have, for no additional payment, the non-exclusive right to use for itself, its customers, and any other users of the Licensed Premises, the parking facilities provided by Licensor. Licensor will not permit any permanent obstruction to be erected in the Shopping Center so as to block or impede access to the Licensed Premises.

#### 4. - UTILITIES

Licensee shall, at its expense, have the right to install, or cause to be installed, all necessary utility services to the Licensed Premises as Licensee's needs require. Licensor grants Licensee temporary construction easements as required by Licensee to install, maintain and repair such utilities and to install, maintain and repair the Kiosk. Licensee shall, prior to delinquency, pay all utilities used or consumed by or supplied to Licensee in connection with the use of the Licensed Premises. Licensee agrees to restore portions of the Property, which may be affected by the installation of utilities, to the conditions they were in immediately prior to the installation. It is understood and agreed that Licensor shall have the right to review and approve the plans referenced in this Section.

#### 5. - ALTERATIONS, IMPROVEMENTS and REMOVAL

5.1 **Kiosk**. Licensee will, at its expense; install the Kiosk on the Licensed Premises. The parties agree that any removable improvement, including, without limitation the Kiosk, installed upon the Licensed Premises by Licensee is neither a part of the realty nor a fixture. Any such removable improvement is the personal property of Licensee. At the termination or expiration of this License, Licensee shall remove any improvements and restore the Licensed Premises to substantially the same condition it was in prior to the installation of such improvements.

5.2 **Other Alterations**. Not including the improvements already authorized herein, Licensee may make or allow to be made any other alterations, physical additions or improvements in or to the Licensed Premises (including signs) so long as the written consent of Licensor, which shall not be unreasonably withheld, has first been obtained.

5.3 **Removal**. Licensee shall have the right at any time to enter the Licensed Premises and remove the Kiosk and any other personal property of Licensee. Licensee shall repair all material damage caused by such removal pursuant to the conditions outlined in Section 5.1 hereof.

#### 6. - CASUALTY AND INSURANCE

6.1 **Waiver of Subrogation**. Notwithstanding anything contained herein to the contrary, Licensor and Licensee hereby waive and release each other of and from any and all rights of recovery, claims, actions or causes of action, against each other, their agents, officers and employees, for any loss and/or damage that may occur to the Licensed Premises, improvements to the Property, or personal property located within the Property, by reason of fire or the elements, regardless of cause or origin, including the negligence of Licensor or Licensee and their agents, officers and employees.

6.2 **Hold Harmless**. Licensor and Landlord (Beattie Crown Point, LLC - Reliance Realty Advisors, LLC) shall not be liable to Sullivan County and its employees while performing duties of their employment, for any injury to persons or damage to property on or about the Property or the Common Areas. Only to the extent liability is otherwise imposed upon Sullivan County by Tennessee law independent of this contractual agreement, and without waiving any immunity, rights defenses, damages caps and/or protection available to Sullivan County under Tennessee law, Licensee shall hold Licensor and Landlord harmless for and against any and all claims, injury, loss, damage or other liability arising solely out of Licensee's occupancy of the Licensed Premises.

6.3 **Liability Insurance**. Licensee at all times during the License Term shall, at its own expense, keep in full force and effect comprehensive general liability insurance in accordance with Licensee's standard practices. Licensee shall, at the request of Licensor, provide evidence that Licensor is an additional insured on such insurance policy.

## 7. - PERMITS

Licensee shall, at Licensee's sole expense, apply for all necessary building and other permits and authorization required by applicable authorities for the installation and operation of the Kiosk.

## 8. - ASSIGNMENT OR SUBLET

8.1 **Licensee Assignment.** Licensee shall not assign, sublet, transfer or hypothecate, in whole or in part, this License, by operation of law or otherwise, without the prior written consent of Licensor, which shall be at Licensor's sole discretion. Notwithstanding the foregoing, Licensor agrees that Licensee may, without Licensor's consent, assign or otherwise transfer the Licensed Premises to an affiliate or to a subsidiary or to an entity created by merger with, reorganization of, or recapitalization by Licensee, or to an entity which acquires all or a substantial portion of Licensee's assets within the market area containing the Licensed Premises.

8.2 **Licensor Assignment.** Licensor shall have the right to sell, transfer or assign, in whole or in part, its rights and obligations under this License. Any such sale, transfer or assignment shall operate to release Licensor from any and all liabilities under this License arising after the date of such sale, assignment or transfer, only if the transferee assumes such obligations.

## 9. - LIENS

Licensor waives any statutory or other lien on Licensee's improvements, fixtures and/or personal property located upon the Licensed Premises, including, without limitation, the Kiosk.

## 10. - LICENSE SUBORDINATE TO MASTER LEASE

10.1 **License Subordination.** Licensor's right, title, and interest in the Licensed Premises are derived solely from that certain lease agreement associated with the store identified in **Exhibit "A"** hereof and all related amendments and assignments thereof (the "Master Lease"). Notwithstanding any other provision herein, this License and the rights of Licensee hereunder are, and at all times shall be, subject and subordinate to the Master Lease(s) and any rights of the parties to the Master Lease(s). Licensee shall at no time use or permit the use of the Licensed Premises so as to cause a breach, default or violation of the Master Leases. In the event of any conflict between the provisions of the Master Leases and the provisions of this License, the provisions of the Master Lease shall control.

10.2 **Lease Termination.** Notwithstanding any of provision herein, this License shall automatically terminate upon (i) termination or expiration of the Master Lease or (ii) a determination that this License, or any of its provisions, materially violate the provisions of the Master Lease. Any such termination shall be without any liability whatsoever to Licensor.

## 11. - RELOCATION

Licensor may, at any time after providing fifteen (15) days written notice to Licensee, require the removal and/or relocation of the Kiosk. Licensee agrees that it shall promptly accomplish such removal/relocation.

## 12. - MISCELLANEOUS

12.1 **Waiver.** Failure of Licensor or Licensee to declare an event of default immediately upon its occurrence, or delay in taking any action in connection with an event of default, shall not constitute a waiver of the default, but such party shall have the right to declare the default at any time and take such action as is lawful or authorized under this License. 12.2 **Act of God.** Licensor or Licensee shall not be required to perform any covenant or obligation in this License, or be liable in damages to the other, so long as the performance or non-performance of the covenant or obligation is delayed, caused or prevented by an act of God, act of war, act of terrorism, force majeure or by the other party.

12.3 **Attorneys' Fees.** If there is any litigation arising out of this License, the prevailing party shall recover its reasonable attorneys' fees and costs in such litigation from the non-prevailing party.

12.4 **Successors.** This License shall be binding upon and inure to the benefit of Licensor and Licensee and their respective heirs, personal representatives, successors and assigns.

12.5 **Notices.** Any notice under this License shall be deemed to be delivered (whether or not actually received) when deposited with a reliable overnight courier or when deposited in the United States Mail, postage prepaid, certified mail, return receipt required, addressed to the parties at the respective addresses set forth herein.

12.6 **Choice of Law.** The laws of the state of Tennessee govern this Agreement. Any dispute, controversy and/or cause of action arising under this License shall be subject to the jurisdiction and venue of any state court or any court of general sessions having jurisdiction which is situated in Bristol, Tennessee.

12.7 **Authorization.** Licensor and Licensee hereby represent and warrant to each other that such party has the full right, power, and authority to enter into and perform this License in accordance with all the terms, provisions, covenants, and conditions hereof, and that the execution and delivery of this License have been duly authorized by proper corporate or other required action.

12.8 **Headings.** The captions or paragraph headings used in this License are for convenience and reference purposes only and will in no event add to, limit, or in any manner affect the subject matter.

12.9 **Counterparts.** This License may be executed in one or more counterparts, each of which shall constitute an original, but all of which together shall constitute one and the same agreement.

12.10 **Entire Agreement.** This License is the entire agreement of the parties regarding its subject matter, and may not be changed or amended except by an instrument in writing signed by Licensor and Licensee.

12.11 **Severability.** In the event that any provision of this License shall be construed to be invalid or unenforceable, then the remaining provisions shall remain in full force and effect.

(Signatures on Following Page)



IN WITNESS WHEREOF, the parties have executed this License as of the day and year first referenced above.

**LICENSOR: K-VA-T FOOD STORES, INC.**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address: 1 Food City Circle, Abingdon, VA 24210

**LICENSEE: SULLIVAN COUNTY CLERK, TENNESSEE**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

**LANDLORD: BEATTIE CROWN POINT, LLC  
C/O RELIANCE REALTY ADVISORS, LLC**

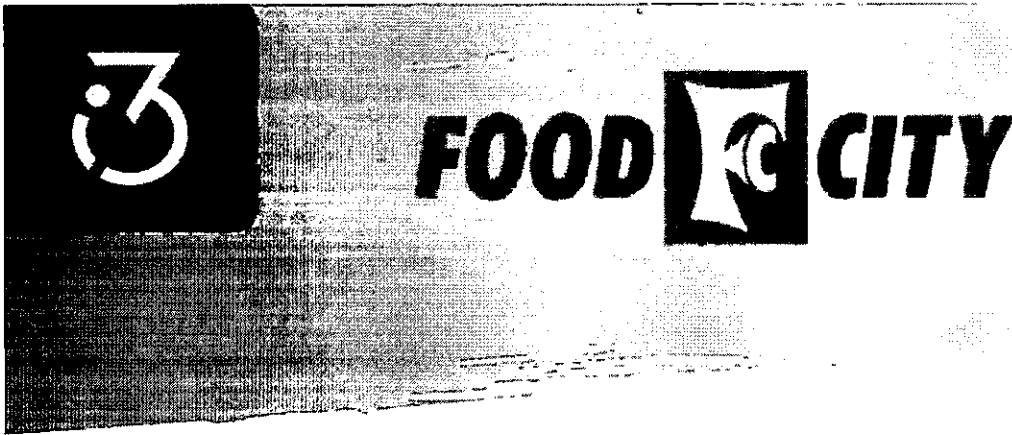
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address: PO Box 699, Fountain Inn, SC 29644



**Objective:**

13 Verticals along with Sullivan County Official Teresa Jacobs - County Clerk , desire to place a 24/7 outdoor kiosk for car tag renewals on the sidewalk immediately outside of the 1205 N. Eastman Rd, Kingsport, TN 37664.

**Description of Services:**

Car Tag Renewals - Customers scan their renewal notice barcode to search for their vehicle to renew. Once selected, the customer can submit their payment via credit card. The renewal decal will print on demand at the end of the transaction.

Average transaction times are less than 30 seconds.

**Benefits to Sullivan County Citizens:**

Similar kiosks located at the Food City in Athens, TN, Bristol, TN, and Elizabethton, TN has averaged around 4,000 transactions in a non-new metal year. We expect this KIOSK to outperform all other locations being a 24/7 outdoor kiosk. As one of the higher trafficked stores in the County, citizens will enjoy the convenience to perform county business in a matter of seconds as opposed to what would have to require a trip to downtown or Blountville. The opportunity to perform County business 24/7 will become a reality to Sullivan County citizens.

**Additional Benefits to Food City:**

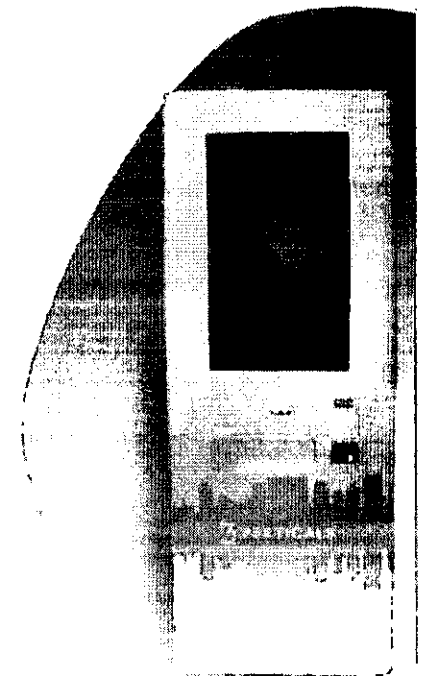
Immediate promotion from Sullivan County Elected Officials via local news media.

Food City kiosk location will be placed on [TNCountyClerk.com](http://TNCountyClerk.com). This URL will be on every automobile renewal notice mailed by the State of Tennessee.

**Space and Utility Requirements:**

Kiosk dimensions approx. - 30" W X 40" D (when door open, 17" when door closed)  
73" tall

Standard power outlet and wired internet connections are required.



# Agenda subject voting report

051

Meeting name

Sullivan County Commission December-21 2023

12/21/2023

38 Item 10 Resolution No. 2023-12-09 Sponsors: Gardner/Locke/Pierce  
Vote

**Description**

RESOLUTION TO ENTER INTO AND APPROVE A CONTRACT BETWEEN K-VA-T FOOD STORES, INC. AND THE SULLIVAN COUNTY CLERK FOR LEASE OF SIDEWALK SPACE TO PLACE A KIOSK ON THEIR PREMISES TO BE USED FOR VEHICLE REGISTRATION RENEWALS.

**Chairman**

Venable, Richard

**Total vote result**

**Voting start time** 7:24:08 PM  
**Voting stop time** 7:24:21 PM  
**Voting configuration** Vote  
**Voting mode** Open  
**Vote result**

Yes	22
Abstain	0
No	0
Total Present	22
Absent	2

**Group voting result**

Group	Yes	Absent
No group	22	0
<b>Total result</b>	<b>22</b>	<b>0</b>

**Individual voting result**

Name	Yes	Abstain	No	Absent
Akard, David ()	X			
Calton, Darlene ()	X			
Carr, Joe ()	X			
Cole, Michael ()	X			
Crawford, Larry ()	X			
Cross, Andrew ()	X			
Crosswhite, Joyce ()	X			
Gardner, John ()	X			
Glover, Hershel ()	X			
Harvey, Cheryl ()	X			
Hayes, David ()	X			
Horne, Daniel ()				X
Ireson, Mark ()	X			
Jones, Sam ()	X			
King, Dwight ()	X			
Leonard, Tony ()	X			
Locke, Hunter ()	X			
McMurray, Joe ()				X
Means, Jessica ()	X			
Pierce, Archie ()	X			
Slagle, Matt ()	X			
Stidham, Gary ()	X			
Vanover, Zane ()	X			
Ward, Travis ()	X			

**Sullivan County**  
**Board of County Commissioners**  
**243<sup>rd</sup> Annual Session**

052

Item 11  
No. 2023-12-10

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of December, 2023.

**RESOLUTION TO APPROVE FUNDING TO COVER COST INCURRED BY THE SULLIVAN COUNTY CORRECTIONS FACILITY DUE TO THE EMERGENCY FAILURE OF THE EXISTING BOILER.**

WHEREAS, the Sullivan County Correction's Facility experienced a catastrophic failure of the boiler required to heat the Correction's and Sheriff's facilities; and

WHEREAS, the Sullivan County Sheriff's office was forced to bring in a rental boiler to continue providing heat for the inmates and employees during the extremely low temperatures our area has been facing the past couple of weeks;

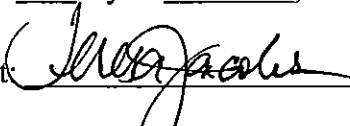
WHEREAS, the Sullivan County Sheriff's Office will need to fund a replacement boiler for the facilities long term needs;

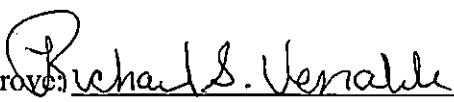
**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approve funding for the cost incurred by the Sullivan County Correction's Facility to provide a temporary boiler and any associated cost to replace the existing boiler in the amount not to exceed \$350,000. Expenditure, Object, and Program codes for the project will be assigned by Accounts and Budgets.**

*WAIVER OF RULES REQUESTED*

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Approved this 21<sup>st</sup> day of December, 2023.

Attest:   
Teresa Jacobs, County Clerk

Approved:   
Richard S. Venable, County Mayor

**Sponsored By: Commissioner Gary Stidham**

**Co-Sponsor(s): Commissioners John Gardner, Michael Cole, Joyce Crosswhite, Tony Leonard, Archie Pierce, Jessica Means, Zane Vanover, Travis Ward, everyone voting in the affirmative.**

**No. 2023-12-11 ACTIONS:** Submitted morning of Dec. 21 for inclusion on monthly meeting agenda same date, emergency need cited for late filing. 12/21/23 An amendment was suggested by Finance Director Larry Bailey that due to the urgency of the need for a boiler, this expense is to be funded from the fund balance with the understanding it will be addressed with the Sheriff at a later time to discuss the possibility of finding an alternative source of funding. Amendment was accepted by Sponsor. Approved on Waiver of Rules 22 Yes, 2 Absent

# Agenda subject voting report

053

Meeting name

Sullivan County Commission December-21 2023

12/21/2023

37 Item 11 Resolution No. 2023-12-10 Sponsors: Stidham/Gardner  
Vote

**Description**

RESOLUTION TO APPROVE FUNDING TO COVER COST INCURRED BY THE SULLIVAN COUNTY CORRECTIONS FACILITY DUE TO THE EMERGENCY FAILURE OF THE EXISTING BOILER.

**Chairman**

Venable, Richard

**Total vote result**

**Voting start time** 7:49:17 PM

**Voting stop time** 7:49:37 PM

**Voting configuration** Vote

**Voting mode** Open

**Vote result**

Yes	22
Abstain	0
No	0
Total Present	22
Absent	2

**Group voting result**

Group	Yes	Absent
No group	22	0
<b>Total result</b>	<b>22</b>	<b>0</b>

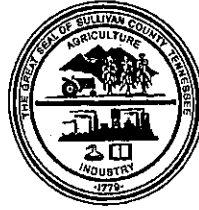
**Individual voting result**

Name	Yes	Abstain	No	Absent
Akard, David ()	X			
Calton, Darlene ()	X			
Carr, Joe ()	X			
Cole, Michael ()	X			
Crawford, Larry ()	X			
Cross, Andrew ()	X			
Crosswhite, Joyce ()	X			
Gardner, John ()	X			
Glover, Hershel ()	X			
Harvey, Cheryl ()	X			
Hayes, David ()	X			
Horne, Daniel ()				X
Ireson, Mark ()	X			
Jones, Sam ()	X			
King, Dwight ()	X			
Leonard, Tony ()	X			
Locke, Hunter ()	X			
McMurray, Joe ()				X
Means, Jessica ()	X			
Pierce, Archie ()	X			
Slagle, Matt ()	X			
Stidham, Gary ()	X			
Vanover, Zane ()	X			
Ward, Travis ()	X			

**SULLIVAN COUNTY, TN**  
**OFFICE OF FINANCE DIRECTOR**  
**FISCAL YEAR 2025 BUDGET CALENDER**

Target Date		Wks. Available	Party Responsible
<b>County</b>			
1/2/2024	Finance Dept. Initiates Development of Budget Request Forms	2 wks	Finance Dept.
1/11/2024	Release Budget Request Forms to Departments	2.5 wks	Various Depts
1/31/2024	Department Request Forms Due Back to the Finance Department		Various Depts
2/8/2024	Compile Budget Request from Departments	3 wk	Finance Dept.
2/26/2024	Release Budget Requests to Executive & Administrative Committees; Hearings Begin	4 wks	Finance Dept.
3/14/2024	Executive and Administrative Committee Hearings Completed		Exec. & Admin.
3/15/2024	Finance Dept. Compiles Results of Hearings for Budget Committee	1 wk	Finance Dept.
3/20/2024	Release Hearing Report to Budget Committee; Budget Hearings Begin	8.5 wks	Finance Dept.
4/30/2024	Final Date for Late Revisions to Department Budget Requests		
5/16/2024	Budget Committee Recommendation Submitted for 1st Reading	1 wks	Finance Dept.
6/20/2024	Commission Considers Budget on 2nd Reading for Final Approval	4 wks	
6/28/2024	Finance Dept. Wraps-up Budget Document to Forward to Comptroller's Office	1 wks	Finance Dept.
<b>Board of Education</b>			
4/15/2024	Preliminary Local Revenue Estimates Provided to Board of Education		Finance Dept.
5/3/2024	Board of Education Submits Proposed Budget to Finance Director		BOE
5/13/2024	Budget Committee Completes Review of BOE Request		

# *Sullivan County*



**AND THEREUPON COUNTY COMMISSION ADJOURNED AT 7:50 P.M. UPON MOTION MADE BY COMMISSIONER AKARD TO MEET AGAIN IN REGULAR SESSION ON JANUARY 18, 2024.**

*Richard S Venable*

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**RICHARD VENABLE**

**COMMISSION CHAIRMAN**