

AUGUST 27, 1979

MONDAY MORNING, AUGUST 27, 1979

BE IT REMEMBERED THAT:

County Commissioners met pursuant to adjournment ~~for~~ an Adjourned Session of Sullivan County Board of Commissioners of Blountville, Tennessee, met in session this Monday Morning, August 27, 1979, was present and presiding the Honorable Lon V. Boyd, County Chairman, and Marjorie S. Harr, County Clerk and Mike Gardner, County Sheriff of said Board of Commissioners, and full quorum of Commissioners of said County to Witness:

COMMISSIONERS PRESENT AND ANSWERING ROLL CALL:

Akard, Ammons, Arrington, Barnes, Blalock, Cosby, Dixon, Fleenor, Gillenwater, Greene, Harr, Hendrickson, Hood, Keener, King, McKamey, Mills, Montgomery, Morrell, Poe, Rutherford, Sine, Smith, Thomas.

COMMISSIONERS ABSENT:

Durham

STATE OF TENNESSEE I
COUNTY OF SULLIVAN I

AUGUST 27, 1979 TERM

ELECTION OF NOTARIES

SHARRON G. TITTLE

RALPH S. PRICE

MICHAEL W. HOPSON

WILLA M. DOGGETT

WILLIAM C. PRICE

GLENDA SHARON DEAN

ALFRED H. CELIA

PATTY LYNN J. BOOHER

B. C. MCINTURFF

HARRY EDWARD STALLARD

JAMES JOSEPH WATKINS

VERLIN W. SMITH, JR.

BRENDA KAY SAMS

CURTIS E. ROBINSON, JR.

RAMONA H. DEAN

DEBORAH LYNNE NEELEY

JOSEPH W. RUTHERFORD, JR.

PAMELA S. HYATT

WALTER CLAUDE COOPER, JR.

ELIZABETH DIANE BALDWIN

CHARLOTTE KATHERINE CORNETT

GEORGE EDWARD SMITHSON

BASIL JEFFERSON PALMER

JAMES EDWARD WHITEN

MARY ELIZABETH MALONE

ROBERT ALLEN JONES

STONER WARREN KLUTZ

WILLIAM LEE KING

MASSAGE REGISTRATION ACT
of 1979

April 6, 1979

Hon. Wm. V. Boyd
Sullivan County Judge
Sullivan County Courthouse
Blountville, TN 37617

Dear Judge Boyd:

Private Chapter No. 56, which is House Bill No. 212 of the 91st General Assembly of the State of Tennessee, provides that this particular Chapter would have no effect unless it is approved by a two-thirds (2/3) vote of the members of the Sullivan County Quarterly Court, a certified copy of which is attached.

As required by Tennessee Code Annotated 2-308 et al, the Secretary of State shall be notified of the action taken by the Court, whether approved, disapproved, or if no action was taken, within thirty (30) days of said action. The deadline for action on Private Chapter No. 56 is September 1, 1979.

Enclosed is a certification form which is to be completed and a self-addressed mailing label for your convenience in returning said certification.

Your prompt attention to this matter will be greatly appreciated.

Yours truly,

Gentry Crowell

Gentry Crowell

GC:pk

Enclosures

4/27/79 - pp-56

*Al...
6-18-79*

4-16-79 - 1st Reading
6/7/79 deferred
7/16/79 - deferred

0004

DEPARTMENT OF REVENUE

To the Honorable President of the Senate, Nashville, Tenn.:

C. C. ...

PRIVATE CHAPTER NO. 56
HOUSE BILL NO. 318
91ST GENERAL ASSEMBLY

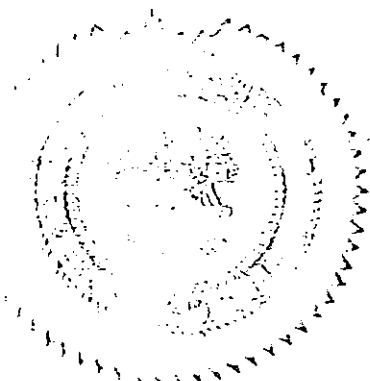
*original of which is now on file and a matter of
and public office.*

*I have presented to the Honorable ...
of the State of Tennessee at the De-
partment, in the City of Nashville,*

This 5th day of April,

A.D. 19 79.

Gent. Crowell
Secretary of State



HOUSE BILL NO. 3

By SENATOR J. W. McLEOD, Chairman, Education Committee

Senate Bill for Senate File No. 9

By Force

AN ACT to amend the practice of massage by creating a registration of persons practicing massage in the State of Iowa, and to create the Iowa Board of Massage Registration, and to amend the Code of Iowa to conform to the provisions of this act.

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

SECTION 1. This Act shall be known and may be cited as "The Massage Registration Act of 1979".

SECTION 2. As used in this Act, unless the context otherwise requires:

(a) "Massage" means the art of body massage, by hand or with a mechanical or vibrating device, for the purpose of massaging, reducing, or contouring the body, and may include the use of oil rubs, heat lamps, salt gloves, hot and cold packs, tub, shower or cabinet baths. The procedures included include, but are not limited to, touching, stroking, kneading, friction, vibration, percussion, and medical gymnastics.

(b) "Masseur" or "masseuse" means a person engaged in activity defined in subsection (a).

(c) "Massage establishment" means a place of business wherein the practice of massage, as defined in subsection (a), is practiced.

(d) "Board" means the Massage Registration Board.

(e) "Compensation" means payment, loan, advance, contribution, deposit or gift of money or anything of value.

(f) "Erogenous Area" means the pubic area, penis, scrotum, vulva, perineum or anus.

SECTION 3. There is created in each county to which this Act may apply the Massage Registration Board. The Board shall consist of the County Attorney, the County Sheriff or his designee, and the permanent members of the County Board of Health. The terms of the Board members shall be co-extensive with their respective terms as County Attorney, County Sheriff, or County Board of Health member. A majority of the members to which the Board is entitled shall constitute a quorum. The Board shall serve without compensation but the members shall receive their actual expenses for attending Massage Registration Board meetings.

The Board shall select a chairman from among its members and the chairman shall notify interested persons and members of Board meetings. The Board shall meet as often as required to carry out the

provisions of this Act.

SECTION 4. All persons or massage establishments engaged in massage for compensation in any applicable county shall be required to register with the County Massage Registration Board. It shall be unlawful for any person to engage in massage for compensation without a current valid certificate of registration from the Massage Registration Board.

SECTION 5. The Board shall establish procedures and criteria for the issuance of certificates of registration to persons and establishments engaged in massage for compensation in any applicable county.

No person or establishment shall be issued a certificate of registration until the applicant and each person engaged in massage at a massage establishment has provided evidence satisfactory to the Board that:

- (a) the applicant is eighteen (18) years of age or older;
- (b) the applicant presently holds a current valid health certificate as provided in Tennessee Code Annotated, Section 52-1012;
- (c) that the certificate holder is engaged in massage as a bona fide occupation or vocation and is not utilizing the title masseuse or masseur, or turkish bath or any other title as subterfuge to engage in unlawful activity;
- (d) has paid the required fees.

SECTION 6. In order to effectuate the provisions of this Act the Board or its authorized representative shall be empowered to conduct investigation of persons engaged in massage or massage establishments and inspect the registration of practitioners and establishments for compliance. Refusal of a practitioner or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue certificates of registration provided by this Act.

SECTION 7. The Board shall provide applicants denied issuance of a certificate or practitioners whose certificate is revoked or not renewed a hearing on such refusal, revocation or nonrenewal, which is consistent with due process of law. All decisions of the Board on the revocation, refusal to issue or nonrenewal of certificates of registration shall be reviewable in the circuit court of the county wherein the Board is located only as to the existence of any substantial evidence upon which the Board could base its decision. Provided, however, that upon a decision of the Board to refuse to issue, revoke, or not to renew a certificate, the practitioner or establishment shall be prohibited from engaging in massage until the Board's decision is overturned.

SECTION 8. The following classes of persons

(a) The registrant is guilty of fraud in the prac-

reasons:

enforced, by the Board for any of the following
massour or massage may be revoked, suspended, or
SECTION 11. The conditions of registration of a

the of massage.

materials, facilities, and equipment used in the prac-
of jewelry, linen, creams, lotions, oils and other
massours and massesses, and the sanitary condition
regulations regarding personal cleanliness of

The Board may adopt reasonable rules and

to practice massage.

being physically and mentally competent and sound
be denied until such person furnishes due proof of
state. The granting of renewal of such certificate shall
renewing, a certificate to practice massage in this
shall disqualify such person from obtaining or
found to have had, or has, any communicable disease,
amination by a competent medical examiner, and if
applicant or certificate holder to have a physical ex-
massage from him or her, the Board may require the an
tion as to jeopardize the health of those who seek
massour or massage may be in such physical condi-

SECTION 10. If the Board ascertains that any

ceed ten dollars (\$10.00).

this Act but in no case shall the fee for certificate ex-
be sufficient to defer the expenses of administering
each certificate of registration in massage which shall
SECTION 9. The Board may charge a fee for

ment at such institutions.

tion, while engaged in the course of their employ-
the laws of this state, and on the day of each institu-

(f) Health care institutions, day centers, and other

person excepted.

from the practice of the business or profession of the
facilities which are performed in the course of the
and of institutions and other persons who for the
purpose of the profession or business of the person ex-
only insofar as and to the extent that the bona fide
Any exemption granted under this section is effective

agreements.

(e) Recreational facilities or other facilities
included with the YMCA or YWCA facilities

facilities.

(d) Registered massage therapists and other persons

facilities.

(c) Registered massage therapists and other persons

facilities.

(b) Health care institutions, day centers, and other

has provided such certificate.

the quality of therapy, and the safety and eff-
of the any branch of massage therapy, including

(a) For the purposes of this section, the term "facilities"

shall mean any building or structure used for the

the of massage, or fraud or deceit in his admission to the practice of massage.

(b) The registrant has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.

(c) The registrant is engaged in the practice of massage elsewhere or is employed as a masseur or masseuse in the practice of a trade or different name.

(d) The registrant is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.

(e) The registrant is guilty of fraudulent, false, misleading or deceptive advertising, or that he or she prescribes medicines or drugs, or practices any licensed profession without legal authority.

(f) The registrant is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.

(g) The registrant has violated any of the provisions of this Act.

Charges may be preferred by any person, or the Board may, on its own motion, direct the Chairman of the Board to prefer charges. An accusation may be filed with the chairman of the Board, charging any registered masseur or masseuse with any of the offenses herein enumerated. Such accusation shall be in writing, signed by the accuser, and duly verified under oath.

SECTION 12.

(a) It is unlawful for any person or persons or massage establishment to engage in the practice of massage for compensation without a valid certificate issued pursuant to the provisions of this Act.

(b) It is unlawful for any person or persons to operate or conduct any massage establishment which does not conform to the sanitary rules and regulations adopted by the Board, or to employ any person as a massage practitioner, who does not hold a certificate of registration.

(c) No masseur or masseuse shall place his or her hands upon, or touch with any part of his or her body, or fondle in any manner, or massage, an erogenous area of any other person.

(d) It shall be unlawful for any person, in a massage establishment, to expose his or her erogenous area, or any portion thereof, to any other person. It shall also be unlawful for any person in a massage establishment, to expose the erogenous area, or any portion thereof, of any other person.

(e) It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque

including the signatures of the filer or filers.

(f) It shall be unlawful for any person or persons to change any part of the application.

(g) Any person who shall violate any of the provisions of this Act shall be held liable for the penalty of a fine not to exceed \$100. The provisions of this Act shall be in addition to any other penalties provided for in the laws of this State.

SECTION 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 14. This Act shall apply to any county having a population of not less than 10,000 or more than 150,000 according to the Federal Census of 1970 or any subsequent Federal Census.

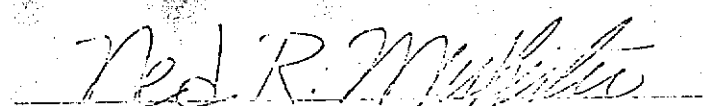
SECTION 15. This Act shall have no effect unless it is approved by a majority of the legislative body of any county which may apply before November 1, 1970. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified by him to the Secretary of State.

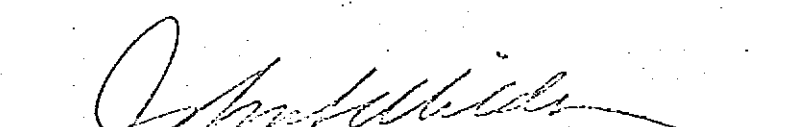
SECTION 16. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 15.

0010

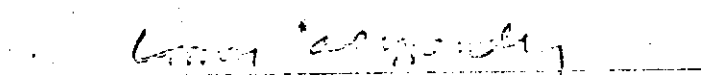
HOUSE BILL NO. 318

PASSED: March 22, 1979


SPEAKER OF THE HOUSE OF REPRESENTATIVES


SPEAKER OF THE SENATE

APPROVED this 3d day of April 19 79


GOVERNOR

Filed 4-23-79
HB 1337 0011

AN ACT to permit a county to regulate the practice of massage and massage establishments for the purpose of preserving public health and public safety; to establish the Massage Registration Board, and define its powers and duties; to establish guidelines for regulation; to require registration of practitioners; to define words and phrases; to prohibit certain acts; and to provide penalties.

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

SECTION 1. This act shall be known and may be cited as "The Massage Registration Act of 1979".

SECTION 2. This act shall be local in effect and shall become effective in a particular county upon the contingency of a two-thirds (2/3) vote of the county legislative body of the county approving this law, or upon the contingency of the majority of the voters casting votes in any election held for the purpose of approving this law. The procedure for accomplishing the latter shall be that the commissioners of elections shall call and conduct an election within thirty (30) days after receiving a petition signed by ten percent (10%) of the qualified voters of the county stating that they favor this law and requesting that an election be held in the county on the subject. The number of qualified voters in the county being deemed to be the total number of votes cast for all candidates for governor in the last general election, or upon a resolution of such county legislative body, duly certified to such election commission.

0012 being such an election. In such an election, the propositions voted upon shall be stated on the ballot on separate lines in the following manner: "For the Massage Registration Act of 1979" and "Against the Massage Registration Act of 1979".

SECTION 3. As used in this act, unless the context otherwise requires:

(a) "Massage" means the art of body massage, by hand or with a mechanical or vibratory device, for the purpose of massaging, reducing, or contouring the body, and may include the use of oil, tubs, heat lamps, salt gloves, hot and cold packs, tub, shower or cabinet baths. The procedures involved include, but are not limited to, touching, stroking, kneading, friction, vibration, percussion, and medical gymnastics.

(b) "Masseur" or "masseuse" means a person engaged in activity defined in subsection (a).

(c) "Massage establishment" means a place of business wherein the practice of massage, as defined in subsection (a), is practiced.

(d) "Board" means the Massage Registration Board.

(e) "Compensation" means payment, loan, advance, contribution, deposit or gift of money or anything of value.

SECTION 4. There is created in any county in which this act is adopted as provided in Section 2 a Massage Registration Board.

The Board shall consist of the County Board of Health. The terms of the Board members shall be coextensive with their terms on the County Board of Health and no members shall serve after the expiration of his term or removal from the County Board of Health. A majority of the members to which the Board is entitled shall constitute a quorum. The Board shall serve without compensation but the members shall receive their actual expenses for attending Massage Registration Board meetings

The Board shall select a chairman from among its members and the chairman shall notify interested persons and members of Board meetings. The Board shall meet as often as required to carry out the provisions of this act.

in message for compensation in any applicable county shall be ⁰⁰¹³
required to register with the County Massage Registration Board.
It shall be unlawful for any person to engage in massage for
compensation without a current valid certificate of registration
from the Massage Registration Board.

SECTION 6. The Board shall establish procedures and criteria
for the issuance of certificates of registration to persons and
establishments engaged in massage for compensation in any applic-
county.

No person or establishment shall be issued a certificate
of registration until the applicant and each person engaged in
massage at a massage establishment has provided evidence satis-
factory to the Board that:

- ✓ (a) the applicant is eighteen (18) years of age or
older;
- ✓ (b) the applicant presently holds a current valid
health certificate as provided in Tennessee Code Annotated,
Section 52-1012;
- ✓ (c) that the certificate holder is engaged in massage
as a bona fide occupation or vocation and is not utilizing
the title masseuse or masseur, or turkish bath or any other
title as subterfuge to engage in unlawful activity;
- ✓ (d) has paid the required fees.

SECTION 7. In order to effectuate the provisions of this
act the Board or its authorized representative shall be empowered
to conduct investigation of persons engaged in massage or massage
establishments and inspect the registration of practitioners and
establishments for compliance. Refusal of a practitioner or
establishment to permit inspections shall be grounds for re-
vocation, suspension or refusal to issue certificates of regis-
tration provided by this act.

0014

SECTION 8. The Board shall have the power and authority to enter into any court of the state of Tennessee having proper jurisdiction to seek an injunction against any person or massage establishment not in compliance with the provisions of this act and is further empowered to enter into any such court to enforce the provisions of this act in order to ensure compliance with such provisions. Any violation of an injunction obtained under this section shall be contempt with a fine of fifty dollars (\$50.00), and each day in contempt of such injunction shall be considered a separate offense.

SECTION 9. The Board shall provide applicants denied issuance of a certificate or practitioners whose certificate is revoked or not renewed a hearing on such refusal, revocation or non-renewal, which is consistent with due process of law. All decisions of the Board on the revocation, refusal to issue or non-renewal of certificates of registration shall be reviewable in the circuit court of the county wherein the Board is located only as to the existence of any substantial evidence upon which the Board could base its decision. Provided, however, that upon a decision of the Board to refuse to issue, revoke, or not to renew a certificate, the practitioner or establishment shall be prohibited from engaging in massage until the Board's decision is overturned.

SECTION 10. The following classes of persons shall not be required to register under this act:

- (a) Persons authorized by the laws of this state to practice any branch of medicine, surgery, osteopathy, chiropractic or chiropody, or persons holding a drugless practitioner's certificate.
- (b) Barbers duly licensed under the laws of this state.
- (c) Beauticians duly licensed under the laws of this state.
- (d) Registered physical therapists under the laws of this state.

of business of the person excepted overlaps into the field 0015
precluded by this act, and exemptions under this act are only
for those activities which are performed in the course of the
bona fide practice of the business or profession of the person
excepted.

SECTION 11. The Board may charge a fee for each certificate
of registration in massage which shall be sufficient to defray
the expenses of administering this act but in no case shall the
fee for certificate exceed ten dollars (\$10.00).

SECTION 12. ~~If~~ the Board ascertains that any masseur or
masseuse may be in such physical condition as to jeopardize
the health of those who seek massage from him or her, the Board
may require an applicant or certificate holder to have a physical
examination by a competent medical examiner, and if found to have
had, or has, any communicable disease, shall disqualify such per-
son from obtaining, or renewing, a certificate to practice massage
in this state. The granting of renewal of such certificate shall
be denied until such person furnishes due proof of being physical
and mentally competent and sound to practice massage.

The Board may adopt reasonable rules and regulations regard-
personal cleanliness of masseurs and masseuses, and the sanitary
condition of towels, linen, creams, lotions, oils and other
materials, facilities, and equipment used in the practice of
massage.

SECTION 13. The certificate of registration of a masseur
or masseuse may be revoked, suspended, or annulled, by the Board
for any of the following reasons:

(a) The registrant is guilty of fraud in the practice of
massage, or fraud or deceit in his admission to the practice
of massage.

(b) The registrant has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.

(c) The registrant is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.

(d) The registrant is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.

(e) The registrant is guilty of fraudulent, false, misleading or deceptive advertising, or that he or she prescribes medicines or drugs, or practices any licensed profession without legal authority.

(f) The registrant is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.

(g) The registrant has violated any of the provisions of this act.

Charges may be preferred by any person, or the Board may, on its own motion, direct the Chairman of the Board to prefer charges. An accusation may be filed with the Chairman of the Board, charging any registered masseur or masseuse with any of the offenses herein enumerated. Such accusation shall be in writing, signed by the accuser, and duly verified under oath.

SECTION 14. The provisions of this act shall not be construed to affect a person or establishment falling under the definition of a "regulated business" as defined in Tennessee Code Annotated, Section 39-3082 (a) (2).

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect on July 1, 1979, the public welfare requiring it.

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN ADJOURNED SESSION MET THIS THE 27th DAY OF August, 19 79.

RESOLUTION IN RE: UETHDA

BE IT RESOLVED THAT

WHEREAS, UETHDA recently had a change in its chairperson and it is possible that past chairperson can be put back on UETHDA Board of Directors by representing either the target or private sectors in September.

BE IT RESOLVED if Mrs. Dugger is re-elected chairperson of UETHDA in September that Sullivan County will immediately withdraw from said agency the following day.

INTRODUCED BY COMMISSIONER Cosby ESTIMATED COST: _____
SECONDED BY COMMISSIONER _____ PAID FROM _____ FUND
COMMISSION ACTION: Aye _____ Nay _____ DATE SUBMITTED: _____
ROLL CALL: _____ County Clerk
VOICE VOTE: _____ BY: _____
COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION

MET THIS THE 27 ~~16TH~~ DAY OF August ~~JULY~~, 19 79.

RESOLUTION IN RE: Property Taxes

BE IT RESOLVED THAT

WHEREAS, statutes presently provide that property taxes shall not be paid on parcels when the assessment is being appealed, and,

WHEREAS, this procedure has resulted in total loss of property tax revenue to the County during this period while county services must continue to be provided to all property owners.

NOW, THEREFORE, BE IT RESOLVED THAT the Sullivan County Board of Commissioners urge the legislative delegation to the State of Tennessee from Sullivan County to amend these statutes so that property taxes may be collected in a more equitable manner.

INTRODUCED BY COMMISSIONER Montgomery ESTIMATED COST: _____

SECONDED BY COMMISSIONER Keener PAID FROM _____ FUND

COMMISSION ACTION: Aye _____ Nay _____ DATE SUBMITTED: _____

ROLL CALL: _____
VOICE VOTE: _____ County Clerk

BY: _____

COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____

Introduced on 3/19/79

HOUSE BILL NO. 1214

by

Hood

AN ACT to amend Title 67, Chapter 8, Tennessee Code Annotated, so as to require payment of property taxes based upon final county board of equalization assessments on the due date prescribed pending appeal of assessments to the state board of equalization, and so as to provide for refunds of all or part of such paid taxes, as appropriate, plus interest, when, upon appeal, final state board equalization action, or final assessment appeals commission action, results in a tax obligation which is less than the taxes so paid; and so as to repeal a portion of Section 67-841, Tennessee Code Annotated.

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

SECTION 1. Section 67-810 is hereby amended by striking the period at the end of the first sentence thereof, substituting a comma therefor, and adding the following language thereto:

"provided that the complainant or appellant taxpayer shall have no such recourse to the state board of equalization, and shall forfeit his right to such hearing and determination by the state board of equalization unless he shall have paid in full any and all taxes at issue which are based upon the final action of a county board of equalization and which have, or shall, become due at any time prescribed by law prior to the final action of the state board of equalization or of the assessment appeals commission."

SECTION 2. Section 67-840, Tennessee Code Annotated, is hereby amended by striking therefrom the following language at the end of said section:

"and taxes shall be collected upon the assessments determined and fixed by said board."

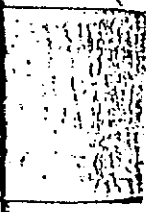
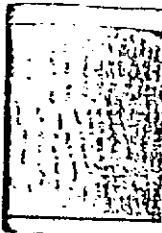
and by substituting therefor the following language:

"and additional taxes shall be collected, or refunds of taxes already paid shall be made, as appropriate, upon the assessments determined and fixed by said board or commission, provided that no interest or penalty shall

be added to any such additional taxes due until thirty (30) calendar days after said board or commission shall have rendered a final decision on such appeal and proper certification has been made as required herein; and provided, further, that any such refunds made to a taxpayer shall include interest payments equal to the interest charges, exclusive of any penalties, which would have obtained had the refunded tax been delinquent a like period."

SECTION 3. Section 67-841, Tennessee Code Annotated, is hereby amended by striking the second prose paragraph thereof in its entirety.

SECTION 4. This Act shall become effective from and after its passage, the public welfare requiring it.



0022

NO. 78 5

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY

BOARD OF COMMISSIONERS IN REGULAR SESSION

MET THIS THE 27 DAY OF August, 19 79.

RESOLUTION IN RE: WORKHOUSE

APPROPRIATION

BE IT RESOLVED THAT

The Sullivan County Board of County Commissioners appropriate \$18,505.00 for the purpose of funding the County Workhouse for the period October, 1979, through June 30, 1980. These funds are appropriated in the following accounts:

503 - 100 Salaries	\$15,130.00
503 - 200 Contractual Services	750.00
503 - 300 Supplies	1,875.00
503 - 900 Capital Outlay	750.00

The source of funding will be unappropriated surplus.

INTRODUCED BY COMMISSIONER _____

ESTIMATED COST: \$18,505.00

SECONDED BY COMMISSIONER _____

PAID FROM GENERAL FUND

COMMISSION ACTION: Aye _____ Nay _____

DATE SUBMITTED: _____

ROLL CALL: _____

County Clerk

VOICE VOTE: _____

BY: _____

COMMITTEE ACTION: _____

APPROVED: _____

DISAPPROVED: _____

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION

MET THIS THE 27 ~~16TH~~ DAY OF August ~~JULY~~, 19 79.

RESOLUTION IN RE: ISSUANCE OF
BEER LICENSES

BE IT RESOLVED THAT

BE IT RESOLVED THAT Section 3-2-27.1 Same - Residences be amended to read as follows:

The sale of beer in Sullivan County is prohibited and no license shall be issued for the sale of beer to any establishment within three hundred (300) feet of a residential dwelling, church, school or other places of public gathering, measured from building to building, when the owner of any of the above appears in person before the county beer board and objects to the issuance of said license.

INTRODUCED BY COMMISSIONER McKamey ESTIMATED COST: _____

SECONDED BY COMMISSIONER _____ PAID FROM _____ FUND

COMMISSION ACTION: Aye _____ Nay _____ DATE SUBMITTED: _____

ROLL CALL: _____ _____ _____
VOICE VOTE: _____ _____ _____ County Clerk

COMMITTEE ACTION: _____ APPROVED: _____ BY: _____
DISAPPROVED: _____

0024

NO. 228

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION MET THIS THE 27 DAY OF August, 19 79.

RESOLUTION IN RE: NAMING ROAD IN THE 18TH CIVIL DIST.

BE IT RESOLVED THAT

an unnamed road be named Cope Road. This road is located in the 18th Civil Dist. of Sullivan County and intersects with Gammon Road. The name of "Cope Road" is acceptable as far as the United States Post Office is concerned.

INTRODUCED BY COMMISSIONER Greene

ESTIMATED COST: _____

SECONDED BY COMMISSIONER _____

PAID FROM _____ FUND

COMMISSION ACTION: Aye Nay

DATE SUBMITTED: _____

ROLL CALL: _____

County Clerk

VOICE VOTE: _____

BY: _____

COMMITTEE ACTION: _____

APPROVED: _____

DISAPPROVED: _____

July 9, 1979

TO WHOM IT MAY CONCERN:

We, the undersigned, hereby request that a road which was built in 1955 through a part of Boone Lake Development, 18th Civil District of Sullivan County, Tennessee, as shown on map prepared by R. L. Bloomer, Surveyor, dated June 10, 1955, officially be declared as a County road. We request that this road be named "COPE ROAD" and a street sign be erected at the entrance off Gammon Road.

This road has been in existence at least twenty four (24) years. The last date of work performed on this road by the Sullivan County Highway Department is the last week of June, 1979. This road meets all the requirements necessary to be declared a County road, but to this date, no one has taken the necessary action.

Enclosed are as follows:

1. Three affidavits executed by present Sullivan County Highway employees and/or retired Sullivan County employees.
2. United Aerial map No. 108 which puts road in physical perspective.
(Please return this map when it has served its purpose.)

We respectfully request your immediate attention to this long neglected road. Our interest in having the road declared a County road is due to our owning four apartments and six mobile homes served by this road.


TOM A. COPE


VIRGINIA I. COPE

Enclosures

0026

NO. 249

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION MET THIS THE 27 DAY OF August, 19 79.

RESOLUTION IN RE: STUDY FOR TRAFFIC LIGHT AT STONE DR. & BLOOMINGDALE

BE IT RESOLVED THAT

a study be made as to need for lighting at the intersection of Stone Drive and Bloomingdale Pike

INTRODUCED BY COMMISSIONER Dixon ESTIMATED COST: _____

SECONDED BY COMMISSIONER Hood PAID FROM _____ FUND

COMMISSION ACTION: Aye Nay DATE SUBMITTED: _____

ROLL CALL: _____ County Clerk

VOICE VOTE: _____ BY: _____

COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION

MET THIS THE 27 DAY OF August, 19 79.

RESOLUTION IN RE: NAMING OF RELOCATED ROAD IN THE 18TH CIVIL DIST.

BE IT RESOLVED THAT

We, the undersigned, are sale landowners of property lying on the north side of a relocated road in the 18th Civil District of Sullivan County, said road being bounded on the south by land owned by the Tri-City Airport Commission.

The undersigned wish to respectfully submit to the Commissioners of Sullivan County the following request:

That said road at point of intersection with State Highway 75, and extending to what is presently known as Hamilton Drive be named and so recorded as Barnes Drive in recognition of the Barnes families as early settlers of this area and who were active in community and church life.

INTRODUCED BY COMMISSIONER Blalock ESTIMATED COST: _____

SECONDED BY COMMISSIONER Greene PAID FROM _____ FUND _____

COMMISSION ACTION: Aye Nay DATE SUBMITTED: _____

ROLL CALL: _____ COUNTY CLERK _____

VOICE VOTE: _____ BY: _____

COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____

0028

NO. 28 13

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY

BOARD OF COMMISSIONERS IN REGULAR SESSION

MET THIS THE 27 16TH DAY OF August JULY, 19 79.

RESOLUTION IN RE: FUEL ALLOCATION
PLAN

BE IT RESOLVED THAT

the Sullivan County Board of Commissioners accept the attached fuel allocation
plan for Sullivan County.

BE IT FURTHER RESOLVED THAT this plan be used at any time a fuel shortage might
exist.

INTRODUCED BY COMMISSIONER BARNES ESTIMATED COST: _____

SECONDED BY COMMISSIONER _____ PAID FROM _____ FUND

COMMISSION ACTION: Aye _____ Nay _____ DATE SUBMITTED: _____

ROLL CALL: _____ _____ _____ County Clerk

VOICE VOTE: _____ _____ BY: _____

COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____



CE. D. PARDUE
- USA (Ret)
R/COORDINATOR

OFFICE OF EMERGENCY PREPAREDNESS
SULLIVAN COUNTY
P. O. Box 385
BLOUNTVILLE, TENNESSEE 37617



TELEPHONE
323-5132

D R A F T

PROBLEM: To Determine A Fuel Allocation Plan for Sullivan County

A. Facts Bearing on the Problem.

1. Average Monthly Requirement (based on past years experience)

Gasoline - 40,000 gallons

Diesel - 31,000 gallons

2. Twenty organizations use gasoline.

Four organizations use diesel and gasoline.

(Customers and usage history is attached - Encl. I)

3. Fuel is stored and dispensed as follows:

GASOLINE

<u>Location</u>	<u>Capacity - Gallons</u>	<u>Ownership</u>	<u>Customers</u>
Blountville	28,000	Highway Dept.	Highway Dept.
Kingsport	10,000	Highway Dept.	Highway Dept. Sheriff's Dept. Others as necessary.
Blountville	8,000	School Board	Any County Agency
Blountville	6,000	Sheriff	Any County Agency

DIESEL

Blountville	22,000	Asphalt Plant	Highway Dept.
Kingsport	20,000	Asphalt Plant	Highway Dept.
Kingsport	10,000	Landfill	Landfill

Bristol	1,000	Landfill	Landfill
Blountville	6,000	Highway Dept.	Highway Dept.
Kingsport	5,000	Highway Dept.	Highway Dept.
Blountville	2,000	School Board	School Board

4. Fuel is purchased for the various tanks by the Purchasing Agent as the need arises but deliveries of less than 8100 gallons is "less-than-tanker-load" and requires premium payment.
5. Fuel is purchased on a contract basis but deliveries are limited to allocations. Allocations for April, May and June have been at 80% of the requirement; the balance for April and May has been made up by emergency allocations at State level. Emergency allocation for June has been requested. In the past a decision has been rendered by the 15th of the month.
6. The supply situation is not expected to improve in the foreseeable future and it is entirely feasible to assume that the State will not be able to continue to allocate the shortage to Sullivan County each month.
7. An allocation plan for a 10% shortfall and more than 10% should be made.
8. The County currently has approximately 20% more vehicles than last year.
9. Some organizations purchase fuel at more than one location.
10. Only one tank in the entire County stores unleaded gasoline (Sheriff's Dept.). A number of departments have vehicles

which require unleaded fuel but many use "regular" for convenience and economy instead of unleaded.

11. Each organization in the County which operates motor vehicles should be advised of the seriousness of the situation and requested to develop and institute fuel saving measures. Complete cooperation by the department heads will minimize the impact of any fuel shortage.

B. Discussion

1. A fuel shortage will result in any month that the State fails to provide an emergency allocation. The impact for any given month will not be felt in terms of deliveries for approximately two weeks from the time an emergency allocation is denied. However, some type of control must be instituted immediately by the purchasing agent once it appears that the supply will not meet the demand for a given month. Controls could be of several types, i.e., control at the pump with specific amounts authorized each unit and further supply denied when the authorized amount has been drawn; a system which could be used is credits issued to each organization in the form of coupons or stamps. A third alternative is an allocation directive to each organization with no direct control at the point of issue.
2. The fact that some units, of necessity, pump fuel from more than one location and also the large number of vehicles involved in several departments rules out the

system of using controls at the pump when a given usage level is reached. Further, in most cases the dispatcher controls issues and does not have time to keep a running total of gasoline issued by the department.

3. Issuing stamps or coupons to control issues is an effective system but is believed to be a more drastic measure than is required at this time. Should the supply situation deteriorate to a degree not contemplated at this time (say 30% or greater shortage) this system may become necessary.
4. In limited shortage situations, 10% or less, each organization could be issued authorization to use a straight percentage of the average weekly usage for the past year. Landfill, Traffic Control and Ambulance Service would be exempt from controls. Reductions of gasoline and diesel usage should be accomplished by planned management actions such as consolidation of trips, elimination of vehicles idling for long periods, complete elimination of marginal trips; requiring each trip to be authorized by a single individual, etc. In other words, it is believed that the level of service would not suffer seriously under this degree of fuel reduction. Should this system fail to achieve the desired results, the allocation system explained below should be used.
5. During situations wherein the shortfall is greater than 10% a system of priorities and allocations would be

established. Organizations would be required to maintain usage levels within announced goals. The amount allocated for each period would be a direct reflection of the severity of the shortage. The table at Enclosure 2 is a suggested "priorities and allocations" system.

6. On Monday of each week the total amounts of fuel used by each department during the preceeding week would be calculated and action initiated by the purchasing agent as necessary. In cases of flagrant disregard of the allocations, the problem would be referred to the Executive Committee of the Quarterly Court.
7. A problem not directly related to fuel shortages but one which has surfaced during the course of this investigation and deserves consideration is payment of premium prices for unleaded gasoline due to the requirement to purchase in small quantities. The tank in question is located at the Sheriff's Department and has a capacity of 6000 gallons. To insure an adequate supply, the tank is filled on a weekly basis - approximately 2000 gallons each week. Since this is less than a full tanker load (8100 gallons) the County pays a surcharge of \$0.0225 per gallon. This additional cost amounts to \$2340.00 per year ($.0225 \times 2000 \times 52$). What is needed is additional capacity for unleaded fuel. One solution is an additional 6000 gallon tank at the Sheriff's Department. This would allow the delivery of a complete load every 4 weeks and still maintain a 2-week reserve supply. A 6000 gallon tank costs approximately

\$1650 which would be amortized in 37 weeks assuming the installation would be accomplished by County personnel.

The Highway Department has 10,000 gallons of reserve capacity which is used to store regular gasoline. Some arrangement might be worked out to use that capacity. However, since the Highway Department has a limited requirement for unleaded fuel, the use of this tank may not be feasible.

Recommendations

1. That the County Purchasing Agent adopt the plan outlined in Par. B, 4, 5 & 6 above and Encl. 2. That the purchasing agent implement the plan as soon as possible after a determination has been made that a shortage is imminent.
2. That the letter at Encl. 3 be signed by the County Judge and dispatched.
3. That action be taken to increase the storage capacity at the Sheriff's Department for unleaded gasoline by 6000 gallons.

ENCLOSURE I

GASOLINE USED BY SULLIVAN COUNTY

APRIL 1, 1978 - MARCH 31, 1979

<u>DEPARTMENT</u>	<u>WEEKLY</u>	<u>MONTHLY</u>	<u>TOTAL GALLONS USED</u>
BOARD OF EDUCATION	1,377	5,966	71,601.8
HIGHWAY DEPARTMENT - BLOUNTVILLE	3,319	14,384	172,607.1
HIGHWAY DEPARTMENT - KINGSPORT	826	3,580	42,954.3
SHERIFF'S DEPARTMENT	2,930	12,696	152,356.6
AMBULANCE SERVICE	157	682	8,179.1
ANIMAL WARDEN	21	90	1,074.1
CENTRAL RECEIVING	11	48	572.3
COMMUNITY DEVELOPMENT	13	57	678.8
COUNTY HOME	6.77	29	352.7
JUVENILE CENTERS	63.7	276	3,311.3
LANDFILL	197	853	10,240.8
MANPOWER SERVICES	54	233	2,791.9
PRINTING DEPARTMENT	5.8	25	304.0
PROBATION OFFICER	18.8	81	973.0
SULLIVAN COUNTY PARK	36	158	1,895.6
TAX ASSESSOR	18.8	81	975.7
TRAFFIC CONTROL	36	157	1,881.6
VECTOR CONTROL	5	23	278.7
WORKHOUSE	42	182	2,181.8
YOUTH CENTER	6.1	27	318.5
GRAND TOTAL			475,529.7

DIESEL FUEL USED BY SULLIVAN COUNTY

APRIL 1, 1978 - MARCH 31, 1979

<u>DEPARTMENT</u>	<u>WEEKLY</u>	<u>MONTHLY</u>	<u>TOTAL GALLONS USED</u>
BOARD OF EDUCATION	69	298	3,577.0
HIGHWAY DEPARTMENT - BLOUNTVILLE	1,206	5,225	62,700.0
HIGHWAY DEPARTMENT - KINGSPORT	115	500	6,000.0
ASPHALT PLANTS	3,820	16,554	198,657.0
LANDFILL	1,963	8,509	102,102.0
GRAND TOTAL			373,036.0

The Asphalt Plants were not in operation during the months of January and February 1979.

ENCLOSURE 2

PRIORITIES AND ALLOCATIONS

These priorities are based on the urgency of the mission of the organization and are also designed to provide a reserve for contingencies.

<u>ORGANIZATION</u>	<u>BASIC REDUCTION</u>	<u>ADDITIONAL REDUCTION</u>
Ambulance Service	0	0
Traffic Control	0	0
Landfill	0	0
School Board	Announced Shortfall	4%
Highway Dept.	"	4%
Sheriff's Dept.	"	2%
Animal Warden	"	2%
Central Receiving	"	0
Community Development	"	0
County Home	"	0
Juvenile Centers	"	2%
Manpower Services	"	2%
Printing	"	0
Probation Officer	"	0
County Park	"	0
Tax Assessor	"	0
Vector Control	"	0
Work House	"	2%
Youth Center	"	0

These priorities would be employed as follows:

For any given month the purchasing agent will announce the shortfall percentage (shortage) as soon as such information becomes available. The % then becomes the "announced shortfall" in the "basic reduction" column. Add the percentage in the "additional reduction" column, multiply by the average monthly usage for the organization concerned and the result will be the amount of reduction for the month in question.

Sullivan County

P. O. BOX 96 BLOUNTVILLE, TENNESSEE 37617 PHONE 323-7135

LON V. BOYD
County Judge

MEMORANDUM FOR: Highway Commissioner
Sheriff
Superintendent of Schools
Chief of Manpower Services
Medical Officer
Office of Emergency Preparedness
Director of Landfill Operations

SUBJECT: Conservation of Fuel

FROM: Lon V. Boyd, County Judge

The world-wide petroleum shortage, real or imaginary, has begun to affect Sullivan County operations. Gasoline and diesel fuels are being allocated by the State Energy Office on a monthly basis; for the past three months the County has been allocated only 80% of the total requirement. The shortage has been covered by emergency stocks maintained by the State, and, there is no reason to believe that the supply situation will improve in the near future; to the contrary, there are indications that the overall stockage may deteriorate further and shortages become widespread to the extent that the State is not able to cover our allocation shortages. Such a situation will require that fuels be allocated (rationed) to department heads by the Purchasing Agent. A plan to accomplish this has been developed and will be implemented as necessary.

In general, the plan provides for a general reduction in fuel issues, county-wide, consistent with the degree of shortage and is based on average usage by department during the past year.

This plan places minimum restraints on the department heads, but for it to succeed, you must establish, in advance, a system of priorities and allocations within your organization. For example, suppose you are required to operate with 85% of your total fuel requirement in a given month. The question is, "Do you spread the shortage "across-the-board" or will certain functions have a higher priority than others?" Department heads will also find it necessary to establish internal controls to insure that the fuel allotment is not exceeded because the basic plan has little or no flexibility in terms of reserves. What this really means is that some type of bookkeeping system will be necessary so you can determine at any given time, how much of your fuel allocation has been used.

Department heads can also minimize the impact of fuel shortages by establishing internal procedures to insure you get maximum use of each gallon of fuel. Some ideas that may have merit in your situation are:

- a. To the extent feasible, establish some type of central dispatch so that one trip may accomplish more than one mission.
- b. Encourage economical driving habits, (no jack-rabbit starts, drive at slower speeds, kill the engine when stopped for longer than a few seconds, etc.).
- c. Solicit ideas from within your organization. Emphasize that frequently, "no gas" means "no work".

It is believed that the County can continue to operate with minimum disruption; however, the complete cooperation of the department heads is essential.

0040

NO. 29 16.14

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION

MET THIS THE 16th DAY OF July, 19 79.

RESOLUTION IN RE: Private Act for
Metro Charter
Commission

BE IT RESOLVED THAT

WHEREAS, the Sullivan County Quarterly Court's Government Study Committee
has completed their phase of the study, (report included with this resolution); and,

WHEREAS, in addition to their recommendation for consolidation of certain
branches of services of Sullivan County and the cities thereof; and,

WHEREAS, the committee recommends that all the citizens of the County have an
opportunity to vote for the setting up of a Metro Charter Commission to draft a
charter for a Metro form of government for their consideration;

NOW, THEREFORE, BE IT RESOLVED THAT our legislators be requested to draft and
have passed a Private Act setting up an 18 person Metro Charter Commission for
Sullivan County. This Private Act shall be placed on the November 1980 Presidential
Ballot. The make-up of the Metro Charter Commission will be four members from the
City of Kingsport, four members from the City of Bristol, one member from the City
of Bluff City, and nine members from Sullivan County. Should the referendum be
passed in the November election, the members of this Metro Charter Commission shall
be elected by Boards and County Commission of their respective governing bodies
within 30 days. In the event any of these appointment are not made to the Metro
Charter Commission within the specified time limit, the County Commission will be
responsible for making the appointments.

INTRODUCED BY COMMISSIONER Montgomery ESTIMATED COST: _____

SECONDED BY COMMISSIONER King PAID FROM _____ FUND

COMMISSION ACTION: _____ DATE SUBMITTED: _____

ROLL CALL: Aye _____ Nay _____
County Clerk

VOICE VOTE: _____ BY: _____

COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____

Executive _____ X _____

7/16/79 first reading
8/27/79 passed - roll call vote

NO. 14 - Attachment

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS IN Regular SESSION

MET THIS THE 27th DAY OF August, 1979

RESOLUTION IN RE: METRO STUDY COMMISSION

BE IT RESOLVED THAT:

To Amend the present Resolution to read, "That no member of the past Government Metro Study Commission will be permitted to serve as a member of the proposed Charter Commission."

INTRODUCED BY ESQ. Heagerty ESTIMATED COST: _____

SECONDED BY ESQ. Aring PAID FROM _____ FUND

COURT ACTION: Aye Nay DATE SUBMITTED: _____

ROLL CALL _____
VOICE VOTE _____ County Court Clerk

BY: _____

COMMITTEE ACTION:	APPROVED:	DISAPPROVED:
_____	_____	_____
_____	_____	_____
_____	_____	_____

FISCAL AGENT: _____

Amendment passed 8/27/79

NOW, THEREFORE, be it resolved by the County Commission of the County of Sullivan, Tennessee, as follows:

Section I. It is found and determined that it is wise expedient, necessary and advisable that the health and educational facilities corporation be formed to be known as "The Health and Educational Facilities Board of The County of Sullivan, Tennessee."

Section II. That the proposed certificate of incorporation, as submitted by the proposed incorporators of said corporation, is in proper form and is hereby in all respects approved.

Section III. Permission is hereby given to Foster L. Park, James Edwards, B. M. Brown, Jr., to proceed with the organization of a corporation to be known as "The Health and Educational Facilities Board of The County of Sullivan, Tennessee," to file the proposed certificate of incorporation with the Secretary of State of the State of Tennessee and to take any and all steps and actions which shall be deemed to be necessary, expedient or proper toward the formation of said corporation and to carry out the intent and purposes of Chapter 333 of the 1969 Public Acts of Tennessee.

APPLICATION FOR FORMATION
OF
THE HEALTH AND EDUCATIONAL FACILITIES BOARD
OF
THE COUNTY OF SULLIVAN, TENNESSEE

We, the undersigned, being duly qualified electors of and taxpayers in Sullivan County, Tennessee, hereby make application to the County Commission of Sullivan County, Tennessee, pursuant to Chapter 333 of the 1969 Public Acts of Tennessee for permission to apply for the incorporation of a health and educational facilities corporation. The proposed certificate of incorporation is attached to this application as Exhibit "A". The formation of such a corporation is wise and advisable because the financing powers of such corporation will assist health care facilities to control costs of services.

WITNESS our signatures this the 25th day of February 1979.

Foster L. Park

Foster L. Park
2240 Charsley Road
Kingsport, Tennessee

James Edwards

James Edwards
1521 Ardmore Place
Kingsport, Tennessee

B. M. Brown, Jr.

B. M. Brown, Jr.
1226 Linville
Kingsport, Tennessee

CERTIFICATE OF INCORPORATION
OF
THE HEALTH AND EDUCATIONAL FACILITIES BOARD
OF
THE COUNTY OF SULLIVAN, TENNESSEE

The undersigned natural persons, being duly qualified electors of and taxpayers in the County of Sullivan, Tennessee, and being residents of said county and living within the limits thereof at the addresses indicated below, do hereby adopt the following Certificate of Incorporation under the authority of and in accordance with the terms and conditions of Chapter 333 of the 1969 Public Acts of Tennessee:

1. The name of this corporation is The Health and Educational Facilities Board of the County of Sullivan, Tennessee.
2. The address and location of the principal office of this corporation in the State of Tennessee is the County Courthouse, Blountville, Tennessee.
3. The general nature of this business to be transacted by this corporation and the general purpose for which it is organized is to do business as a health and educational facilities corporation as prescribed by Chapter 333 of the 1969 Public Acts of Tennessee (hereinafter referred to as the "Act"). The corporation shall have all the general powers authorized by said statute, and all acts amendatory thereto, and all powers incidental thereto or necessary for the performance thereof, including, but not limited to, the power to finance, acquire, own, lease and/or dispose of properties and to acquire for purposes of financing or refinancing properties for the purposes set forth in the statute.

The corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the Board of Directors of the corporation shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the corporation then any net earnings of the corporation thereafter accruing shall be paid to the County of Sullivan, Tennessee, the municipality with respect to which this corporation was organized; provided however, that nothing herein contained shall prevent the Board of Directors from transferring all or any part of its properties in accordance

with the terms of any lease, sale contract, loan agreement, mortgage or deed of trust entered into by the corporation.

- 4. The corporation shall have seven (7) directors, all of whom shall be duly qualified electors of and taxpayers of the County of Sullivan, Tennessee. The original directors and all succeeding directors shall be elected by the County Commission of the County of Sullivan.
- 5. The time of existence of this corporation shall be perpetual, provided, that whenever the Board of Directors of the corporation shall by resolution determine that the purposes for which the corporation was formed have been substantially complied with and all bonds theretofore incurred by the corporation have been fully paid, the then members of the Board of Directors of the corporation shall thereupon execute and file for record in the office of the Secretary of State a certificate of dissolution reciting such facts and declaring the corporation to be dissolved. Such certificate of dissolution shall be executed under the corporation seal of the corporation. Upon the filing of such certificate of dissolution the corporation shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the County of Sullivan, Tennessee, and possession of such funds and properties shall forthwith be delivered to the County of Sullivan, Tennessee.

The permission to organize this corporation has been granted and the form of this certificate has been approved by resolution duly adopted by the County Commission of the County of Sullivan, Tennessee, on the ____ day of _____, 1979, and approved by the County Judge on the same day.

WITNESS our hands this ____ day of _____, 1979.

(Street Address)

Kingsport, Tennessee

(Street Address)

Kingsport, Tennessee

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION

MET THIS THE 27 ~~16th~~ DAY OF August ~~July~~, 19 79.

RESOLUTION IN RE: HEALTH AND EDUCATION FACILITIES BOARD

BE IT RESOLVED THAT

WHEREAS, the Sullivan County Board of Commissioners has approved the formation of a Health and Educational Facilities Board of Sullivan County.

NOW, THEREFORE, BE IT RESOLVED THAT the following be appointed to this board:

- 2 yr. terms - Fred Thornton
- James R. Bailey
- 4 yr. terms - Foster Parks
- Mack L. Hicks, Jr.
- 6 yr. terms - Paul Wohlford
- Frank Barnett
- Dr. Elmer Greene

BE IT FURTHER RESOLVED THAT at the expiration of each term the necessary be appointed to a six-year term and that each director shall continue to hold office until a successor shall be elected.

INTRODUCED BY COMMISSIONER Montgomery ESTIMATED COST: _____

SECONDED BY COMMISSIONER _____ PAID FROM _____ FUND

COMMISSION ACTION: _____ DATE SUBMITTED: _____

ROLL CALL: _____ Aye _____ Nay _____

VOICE VOTE: _____ County Clerk

COMMITTEE ACTION: _____ BY: _____

APPROVED: ✓ DISAPPROVED: _____

0048

NO. 19

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN ADJOURNED SESSION

MET THIS THE 27TH DAY OF AUGUST, 19 79.

RESOLUTION IN RE: RURAL ROAD FUNDS

BE IT RESOLVED THAT

The Sullivan County Board of County Commissioners appropriate
\$116,943.90 in the "Maintenance and Repair of Roads" account in
the Highway Fund budget. These funds will be used to resurface
New Sperry Road and Bloomingdale Road.

The source of funding for this appropriation will be Rural Road
funds received from the State of Tennessee.

INTRODUCED BY COMMISSIONER Harr ESTIMATED COST: \$116,943.90

SECONDED BY COMMISSIONER _____ PAID FROM Highway FUND

COMMISSION ACTION: _____ DATE SUBMITTED: _____

ROLL CALL: _____ Aye _____ Nay _____
County Clerk

VOICE VOTE: _____ BY: _____

COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION

MET THIS THE 27th DAY OF August, 19 79.

RESOLUTION IN RE: Garbage Disposal

BE IT RESOLVED THAT

Whereas Sullivan County has been denied the use of Bumpass Cove Landfill,

Be It Resolved that the Sullivan County Board of Commissioners go on record as requesting the Sullivan County Judge and the Sullivan County Attorney to (1) to contact and file formal requests with the parties blocking use of the landfill to voluntarily and immediately reopen use of the landfill with assurances from Sullivan County that will undertake steps to implement as quickly as possible the following steps: (a) adoption of weight standards for garbage trucks that comply with maximum Tennessee weight limits (b) setting up checks to assure that harmful chemicals and substances are not contained in garbage delivered to the landfill (c) request of state funds to make the bridge in question safe and usable by the garbage trucks (d) the contribution of Sullivan County funds up to \$_____ if state funds cannot be obtained for use on the bridge;

(2) If success cannot be had at obtaining voluntary reopening of access to the landfill, the filing of legal action asking for an injunction against all parties blocking use, and seeking damage from the responsible parties; and

INTRODUCED BY COMMISSIONER _____ ESTIMATED COST: _____

SECONDED BY COMMISSIONER _____ PAID FROM _____ FUND _____

COMMISSION ACTION: Aye _____ Nay _____ DATE SUBMITTED: _____

ROLL CALL: _____ County Clerk _____

VOICE VOTE: _____ BY: _____

COMMITTEE ACTION: _____ APPROVED: _____ DISAPPROVED: _____

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION

MET THIS THE 27th DAY OF August, 19 79.

RESOLUTION IN RE: Garbage Disposal

BE IT RESOLVED THAT

Be It Further Resolved that intensive efforts be continued to find a satisfactory landfill site in Sullivan County; and

Be It Further Resolved that study toward the disposal of garbage by an incinerator be given immediate undertaking (with consideration of a cooperative effort with other Sullivan County governmental bodies and bordering and regional counties); and

Be It Further Resolved that an attempt be made to make a short term lease with any other landfill or landfills in the region if voluntary opening of Bumpass Cove is not achieved; and

Be It Further Resolved that the Sullivan County Legislative delegation be instructed to draft legislation seeking funds to be used on a regional basis for the development of incinerators; and

Be It Further Resolved that Sullivan County seek any available funds that might be obtained on the federal level for the development of incinerators for the disposal of garbage and the generation of steam for power.

INTRODUCED BY COMMISSIONER

James King Jr.

ESTIMATED COST: _____

SECONDED BY COMMISSIONER _____

PAID FROM _____ FUND

COMMISSION ACTION:

Aye _____ Nay _____

DATE SUBMITTED: _____

ROLL CALL: _____

County Clerk

VOICE VOTE: _____

BY: _____

COMMITTEE ACTION: _____

APPROVED: _____

DISAPPROVED: _____

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN ADJOURNED SESSION

MET THIS THE 27TH DAY OF AUGUST, 19 79.

RESOLUTION IN RE: INCINERATOR FOR THE BRISTOL AREA

BE IT RESOLVED THAT

WHEREAS, the current TVA Study concerning the disposal of solid waste for Sullivan County and the surrounding areas indicates that a good possibility is available to Sullivan County to dispose of it's solid waste at an incinerator located in Bristol, Virginia, and

WHEREAS, a steering committee is pursuing this avenue of disposal.

NOW, THEREFORE, BE IT RESOLVED THAT the Sullivan County County Commission appropriate up to \$7,000.00 for their part in the study for this disposal of solid waste in conjunction with Bristol, Tennessee; Bristol, Virginia; and Washington County, Virginia.

[Empty lines for additional text or signatures]

INTRODUCED BY COMMISSIONER Gillenwater ESTIMATED COST: \$7,000.00

SECONDED BY COMMISSIONER Havr PAID FROM _____ FUND

COMMISSION ACTION: Aye _____ Nay _____ DATE SUBMITTED: _____

ROLL CALL: / _____ County Clerk

VOICE VOTE: _____ BY: _____

COMMITTEE ACTION: _____ APPROVED: x DISAPPROVED: _____

Budget _____ _____ _____

8/27/79 - Roll Call 2/31 30-2

0052

NO. 26

TO THE HONORABLE LON V. BOYD, JUDGE, AND MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN ADJOURNED SESSION

MET THIS THE 27TH DAY OF AUGUST, 19 79.

RESOLUTION IN RE: Courthouse Bell

BE IT RESOLVED THAT

WHEREAS, a resolution was passed with funds to be available in 196 to place the historic courthouse bell that once hung in the rotunda on top of the courthouse be placed in the courtyard so that it may be in place to be rung during the October session of the County Commission. This event will commemorate that actual formation 200 years ago by the North Carolina General Assembly during their October meeting in 1779.

This action is recommended by the Historical Commission of Sullivan County as a part of the commemoration of Sullivan County's 200th Birthday celebration.

INTRODUCED BY COMMISSIONER Gillenwater

ESTIMATED COST: \$1,000

SECONDED BY COMMISSIONER Barnes & Akard

PAID FROM _____ FUND

COMMISSION ACTION: Aye _____ Nay _____

DATE SUBMITTED: _____

ROLL CALL: _____

County Clerk

VOICE VOTE: _____

BY: _____

COMMITTEE ACTION: _____

APPROVED: _____

DISAPPROVED: _____

#33

C O U N T Y
P R O P O S A L*White Branch*

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

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter called "DEPARTMENT", proposes to construct a project designated as No. 82085-2214-04, SR 126, Bridge and Approaches Over White Branch (LM 6.10), ROW Length - 0.00 Mile, in the COUNTY of SULLIVAN, provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the COUNTY will agree:

1. That in the event any civil actions in cross-eminent domain or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the right of way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is Room 230, 450 James Robertson Parkway, Nashville, Tennessee 37219, of the institution of each civil action, the complaint and all subsequent pleadings, within seven (7) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense; and

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

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

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

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it

being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY; and

Following the acceptance of this proposal, the DEPARTMENT will acquire the rights of way and easements, construct the project and defend any cross- eminent domain or damage civil actions of which the Attorney General has received the pleadings provided for herein.

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

The acceptance of this proposal shall be evidenced by the passage of a Resolution which shall incorporate the same verbatim, or by reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this instrument to be executed by its duly authorized officials on this the 5th day of June, 1979.

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

By: William B. Sanson
Commissioner

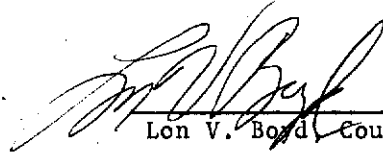
By: Stanley
Director, Bureau of Highways

APPROVED:

M. G. King
Staff Attorney

0056

And thereupon Court adjourned to meet again August 31, 1979.



Lon V. Boyd County Judge