

BE IT REMEMBERED that the Hamblen County Legislatvie Body Sessior for Hamblen County, Tennessee met at its regular monthly meeting on November 21,1994 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Herbert Harville presiding.

The Legislatvie Body Session was opened by SheriffCharles Long.

Invocation was given by Commissioner Eldridge Bryant.

Upon roll call the following members were present:

Larry Baker	Herbert Harville
Maudie Briggs	Keith Horner
Eldridge Bryant	Bud Jones
Guy Collins	Frank Parker
Stancil Ford	Joe Spoone
Doyle Fullington	

Absent: Willie Osborne
Bobby Reinhardt

TRAFFIC PROBLEM AT CHEROKEE PARK . .

Motion by Stancil Ford, seconded by Guy Collins to put into Commissioner Bobby Reinhardt's committee for more study the problems concerning traffic at Cherokee Park and Sugar Hollow Road.

Voting for: all
Voting against: none

WATER AT KINGSWOOD ESTATES . .

Motion byStancil Ford, seconded by Joe Spoone to put back into Commissioner Bobby Reinhardt's commitee the study of the water problems of the Grady Gardner property in Kingswood estates. Mr. Reinhardt is to ask Dan Myers and one road commissioner to be a part of this study.

Voting for: all
Voting against: none

COUNTY ATTORNEY'S OPINION . .

Motion by Larry Baker, seconded by Frank Parker that the opinion of the County Attorney be accepted.

Voting for: all
Voting against: none

LAW OFFICES

Capps, Cantwell & Capps

SUITE 201, THIRD NATIONAL BANK BUILDING
400 WEST MAIN STREET
MORRISTOWN, TENNESSEE 37814

PAUL R. CAPPS (OF COUNSEL)

FRANK P. CANTWELL, JR.

CHRISTOPHER P. CAPPS

MAILING ADDRESS
P. O. BOX 1897
MORRISTOWN, TENN. 37816-1897
(615) 586-3083
FAX 586-0513

October 20, 1994

Mr. Herbert Harville, Chairman
Hamblen County Board of Commissioners
Hamblen County Courthouse
511 West Second North Street
Morristown, TN 37814

RE: NUMBER OF VOTES NECESSARY TO TRANSACT
BUSINESS DUE TO CONDITIONAL RESIGNATION

Dear Mr. Harville:

At your request, I have researched whether or not the recent "conditional resignation" submitted by Roy Noe and accepted by the Hamblen County Legislative Body affects the number of votes necessary for the County Legislative Body to conduct business.

In rendering this opinion, I am going to take the "conditional resignation" at its face value and assume that at least temporarily, there is no one occupying the seat for the Second District on the Hamblen County Commission.

Tennessee Code Annotated § 5-5-109(a) provides as follows:

"Voting. - (a) A majority of all the members constituting the County Legislative Body, and not merely a majority of the quorum, shall be required to:

- (1) Elect county officials required by law to be elected by the body;
- (2) Fix salaries;
- (3) Appropriate money; and
- (4) Transact all other business coming before the County Legislative Body in regular or special sessions."

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As you are well aware, there are fourteen (14) districts for which commissioners are elected to the Hamblen County Legislative Body. The issue you have raised is whether or not the "conditional resignation" of Roy Noe changes the number of votes necessary to transact any business. While Roy Noe was occupying his seat as the Commissioner from the Second District, the number necessary to constitute a majority was eight (8).

In Beckler v. State, 280 S.W.2d 913 (Tn. Sup. Ct., 1955), a similar issue was presented where the number of justices authorized for membership on the Polk County Court was ten (10). One of those ten died on July 5, 1954 reducing its then actual membership to nine (9). On July 19, 1954, that body of nine met to elect a road superintendent. Five members of the court voted for one particular person and he assumed the office. This election was challenged on the basis that a majority vote had not been obtained. In construing the statute in effect at that time which contains the exact language as Tennessee Code Annotated, 5-5-109(a), the court held that the resolution was valid. The court interpreted the statute to mean a majority of the votes of the members of the quarterly court as legally constituted at the time of the resolution's passage as opposed to a majority of the total number of justices authorized.

The Beckler case was upheld in a later case, Bailey v. Greer, 468 S.W.2d 327 (Tn. Ct. of App., 1971) where again the issue was whether or not the quarterly county court had legally passed and adopted a resolution authorizing the issuance of notes. In this case, the quarterly court of Sequatchie County had a total membership of eighteen (18); however, at the time the vote was taken one member had submitted his resignation and two had moved from their respective districts creating two other vacancies. At the time of the vote there were only 15 sitting members of the quarterly court and the court upheld a vote of eight to seven in favor of issuing the notes. The court stated as follows:

"The above-quoted section [(T.C.A. § 5-5-109(a))] has been construed by our Supreme Court as meaning a majority of the actual membership at the time in question instead of a majority of the total authorized membership."
(Emphasis Added)

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It would appear from the Hamblen County Legislative Body's vote taken on October 17 to accept the "conditional resignation" of Roy Noe until such time as his lawsuit is resolved, there is no one filling the seat for Second District and the number of commissioners in place is now thirteen. It would therefore take a vote of only seven to meet the requirements of T.C.A. § 5-5-109(a) cited above.

If I can be of any further service or if you have any further questions, please do not hesitate to contact me.

Very truly yours,

Frank P. Cantwell, Jr.

FPC, JR/dm

cc: Mr. Paul L. Bruce, County Executive

PUBLIC HEARING-PANTHER CREEK PARK...

Motion by Larry Baker, seconded by Guy Collins to adopt the following resolution: "That the Commissioner and Assistant Commissioner of the Tennessee Department of Environment and Conservation, the Director of Tennessee Bureau of State Parks, State Senator Tommy Haun, and State Representative Stancil Ford, be requested to conduct or cause a Public Hearing to be held as soon as possible concerning the proposed improvements for Panther Creek State Park at Morristown, including the construction of a golf course. Furthermore, the Hamblen County Executive is hereby authorized and directed to advise each of the aforesaid officials of this action taken by this Body."

Voting for: all
Voting against: none

MINUTES APPROVAL..

Motion by Joe Spoone, seconded by Eldridge Bryant that the minutes of the previous meeting be approved.

Voting for: all
Voting against: none

ELECTION OF CHAIRMAN PRO-TEMPORE.

Larry Baker nominated Guy Collins to serve a one year term as Chairman Pro-Tempore. Motion by Larry Baker, seconded by Stancil Ford that nomination cease and Guy Collins be elected by acclamation.

Voting for: all
Voting against: none

NOTARIES AND BONDSMEN.

Motion by Joe Spoone, seconded by Stancil Ford that the following notaries and their bondsmen be approved.

Voting for: all
Voting against: none

BOARD OF ZONING APPEALS MEMBER

Motion by Guy Collins to appoint J.P. Hall to a five year term on the Board of Zoning Appeals. No other names were submitted. J.P. Hall was elected by a voice vote.

CHAIRMAN BOND APPROVAL

Motion by Eldridge Bryant, seconded by Maudie Briggs to approve the bond of the commission chairman.

Voting for: all
Voting against: none

SURETY'S BOND NO. 51017010466941

STATE BOND FORM
COB-7(82)

STATE OF TENNESSEE
COUNTY OF HAMBLEN
OFFICIAL STATUTORY BOND
FOR
COUNTY PUBLIC OFFICIALS
OFFICE OF CHAIRMAN OF COUNTY COURT

KNOW ALL MEN BY THESE PRESENTS:

That Herbert H. Harville of Morristown (City or Town), County of Hamblen Tennessee, as Principal, and United States Fidelity and Guaranty Co.

as Surety, are held and firmly bound unto THE STATE OF TENNESSEE in the full amount of Fifty Thousand and no/100 Dollars (\$ 50,000) lawful money of the United States of America for the full and prompt payment whereof we bind ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

WHEREAS, The said Principal was duly XX elected XX appointed to the office of Chairman of County Court of and for Hamblen County for the (337) ^{day} term beginning on the 17th day of October, 1994 and ending on the 18th day of September, 1995.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH:

That if the said Herbert H. Harville, Principal, shall:

1. Faithfully perform the duties of the office of Chairman of County Court Hamblen County during his term of office or his continuance therein; and
2. Pay over to the persons authorized by law to receive them, all monies, properties, or things of value that may come into his hands during his term of office or his continuance therein without fraud or delay, and shall faithfully and safely keep all records required of him in his official capacity, and at the expiration of his term, or in case of his resignation or removal from office, shall turn over to his successor all records and property which have come into his hands, then this obligation shall be null and void; otherwise to remain in full force and effect.

WITNESS our hands and seals this 1st day of November, 1994.

WITNESS - ATTEST

[Signature]

PRINCIPAL:

Herbert H. Harville
SURETY United States Fidelity & Guaranty Co.

by: Marilyn Jean Spoon
Marilyn Jean Spoon
Attorney in Fact

COUNTERSIGNED BY:

Jaye B. Meigs
Tennessee Resident Agent

(Attach evidence of authority to execute bond)

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF TENNESSEE
COUNTY OF Hamblen

Before me, a Notary Public, of the State and County aforesaid, personally appeared Herbert H. Harville with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing bond, and he acknowledged to me that he executed the same.

WITNESS my hand and seal this 18th day of November, 1994

My Commission Expires:

July 18, 1997

Soia R. Miller
Notary Public

ACKNOWLEDGMENT OF SURETY

STATE OF TENNESSEE
COUNTY OF HAMBLEN

Before me, a Notary Public, of the State and County aforesaid, personally appeared Marilyn Jean Spoon with whom I am personally acquainted and, who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of United States Fidelity & Guaranty Co., the within named Surety, a corporation duly licensed to do business in the State of Tennessee, and that he as such individual being authorized so to do, executed the foregoing bond, by signing the name of the corporation by himself as such individual.

Witness my hand and seal this 1st day of November, 1994

My Commission Expires:

April 21, 1, 1997

Debra M. Husky
Notary Public

BILLS

Motion by Maudie Briggs, seconded by Guy Collins that all of the following bills be approved and paid.

Voting for: all

Voting against: none

BILLS RECOMMENDED FOR PAYMENT - NOVEMBER 21, 1994

Ace Hydraulics (G)	22.72	Hale, Gerri (Juv)	24.48
Acme Printing (T)	608.61	Ham. Co. Sheriff's Dept (THF)	378.00
Adrain Hale Pest Control (CH)	59.00	Hasson Bryan (CH)	66.64
(JC)	38.00	Hayter Printing (CM)	60.00
(HD)	19.00	Hill, Robert (CC)	225.00
American Industries (CH)	68.68	Home Lumber Co (CH)	42.00
(JC)	68.68	Hopkins Medical Prod. (HD)	20.95
Auto Supply & Parts (G)	185.88	Jimmy's Auto Parts (G)	62.21
Bradley's (JC)	18.66	Kinser, John MD (ME)	800.00
Bridge Computer Systems (CRC)	188.43	L & N Sign Co. (EC)	40.00
Ball, Elward T. (G)	66.25	Lamb, Bill (EMA)	22.75
Bruce, Paul L. (CE)	258.34	Leonard's Office Equip. (CRC)	17.36
Camera Castle (EXT)	1.49	Lowe's (HD)	34.93
Cellular One (EMA)	21.75	Mathis Company (CRC)	201.00
(Juv)	22.25	Michie Company (CE)	13.77
Cenco, Inc (G)	364.72	(GS)	43.80
Citizen Tribune (WP)	73.93	Moore Business Forms (HC)	146.11
(CE)	32.16	Moore, D.J. & Assoc. (G)	159.00
Clay Ward Printing (CRC)	474.50	Murrell Burglar Alarms (CH)	20.00
(A)	57.00	(HD)	20.00
(EC)	20.50	National Educational Service (Juv)	20.95
Commercial Billing Service (G)	54.02	Newman, Jim (T)	174.48
Comptroller of the Treasury (PC)	343.85	Notary Law Institute (CnC)	50.00
(RD)	43.00	Otis Elevator (CH)	251.13
County Record Services (RD)	986.55	Pitney Bowes (CnC)	74.00
Custom Printing (CRC)	132.00	Quill Corp. (HD)	179.94
Davis, Eddie (CC)	250.00	R. Chatfield (CRC)	234.69
Dial Page (CRC)	28.00	Radio Communications (EMA)	50.00
Discount Office Furniture (PC)	79.75	Red Food Stores (Ext)	9.34
Eleck-Tek (T)	23.07	Rental Uniforms (JC)	145.40
Evans Office City (Juv)	123.12	(CH)	130.40
(HD)	94.44	Schwaab (T)	49.55
(WP)	38.51	(EC)	76.90
(CnC)	27.25	Sempkowski, Ed (GS)	150.00
(A)	200.00	Smithkline Labs (HD)	9.00
(PC)	14.96	Superior Lamp (CRC)	284.64
Food City (THF)	40.08	Supreme Court (HC)	890.38
(EXT)	14.61	TN Co. Services Assoc. (CE)	115.00
Freightliner of Knoxville (G)	182.36		
Frierson, Thomas (GS)	456.00		
G & C Supply Co. (HC)	184.85		
G.K. Election Service (EC)	178.98		
Gateway Industrial Supply (G)	636.50		

BILLS RECOMMENDED FOR PAYMENT (CONT.)ABBREVIATIONS

Tidi Waste (HD)	25.00
Town & County Lock & Key (JC)	5.00
Trustee of Ham. Co. (Juv)	8.40
(EMA)	46.80
(WP)	9.18
United Southern Bank (CRC)	9.40
Universal Forms (CRC)	281.72
Valley Instant Printing (T)	44.05
Wal-Mart (JC)	14.21
(CH)	82.71
(Ext)	4.97
(THF)	71.94
Welding Supply (G)	34.50
Wheel & Brakes (G)	237.36
Whetstone, Paul (GS)	300.00
Wyss, Kirk (GS)	150.00
Yardley Printing (CnC)	367.00

OVER \$1,000

Ambrose Printing (CRC)	1,981.15
(CM)	1,111.90
Bridge Moonlight Services (T)	2,500.00
Capps, Cantwell, Capps (HC)	3,023.32
Inman, John (EC)	2,120.00
Internat'l Bus. Prod. (CnC)	1,189.07
Jones, Hiram & Assoc. (HC)	3,975.00
Lakeway Recycling (G)	3,543.39
McQuiddy Printing (EC)	1,738.09
Price, Leslie (EC)	2,120.00
TN Wholesale Drugs (HD)	1,291.50

A	Assessor
AG	Attorney General
CC	County Coroner
CE	County Executive
CH	Courthouse
CM	Clerk & Master
CnC	County Clerk
Com	Commission
CRC	Circuit Court
EC	Election Commission
EMA	Emergency Management
EXT	Estension Office
G	Garbage
GS	General Sessions
HC	Hamblen County
HD	Health Department
INV	Inventory
J	Jail
JC	Justice Center
Juv	Juvenile Court
ME	Medical Examiner
PC	Planning Commission
RD	Register of Deeds
S	Sheriff's Department
T	Trustee
THF	Temporary Holding Facility
VSO	Veterans Service Office
WP	Work Program

BILLS RECOMMENDED FOR PAYMENT - SHERIFF'S DEPARTMENT - NOVEMBER 21, 1994

Bradley's	117.00	<u>OVER \$1,000</u>	
Bob Barker Company	168.00		
Booker & Sams, MD's	30.00	Clevenger's Meat Mkt.	2,284.22
Camera Castle	157.55	Craig's Firearm Supply	10,430.00
Central Drug Store	22.67	Doctor's Hospital Pharmacy	2,451.95
Clark Boardman Callaghan	318.01	Institutional Dist.	2,335.24
Clay Ward Printing	66.75	Kinser, John, MD	3,190.83
Commercial Billing Services	49.52	Kings Food Service	2,403.94
Doka, Steve, DDS	24.00	Pioneer Petroleum	2,801.32
Elek-Tek	45.95	Standard Register	2,479.84
Evans Office City	140.69		
Express Lane	160.00		
Flav-o-Rich	775.81		
Flowers Bakery	468.62		
Free Service Tires	753.59		
Galls	115.88		
Hale Brothers	930.89		
Hasson Bryan	26.47		
Hovis Orthopaedic Clinic	564.00		
Imperial Foods	57.35		
Jimmy's Auto Parts	230.39		
Katom	46.80		
Lowe's	142.34		
Moore's Tractor & Trailer Repair	224.89		
Morristown-Hamblen Hospital	285.50		
Muffler Auto Center	40.00		
PYA/Monarch	228.62		
Roto Rooter	110.00		
Sams & Booker, MD's	20.00		
Solar Screen	225.00		
ST of TN-Dept of Gen. Serv.	50.00		
Sunrise Distributors	551.30		
Town & Country Lock & Key	4.75		
Video Security Systems	391.35		
Wal-Mart	259.71		
War Surplus Stores	199.60		

BILLS NOT REVIEWED BY COMMITTEE
(Received After Meeting)

Atco (SD) Lice Control Product	207.48
Bridge Computer Systems (T) (HC) (CnC) Maintenance Agreements	39.54 1,750.00 3,265.25
Citizen Tribune (CRC) (EC) Legal Notices	66.88 314.36
Comfort Suites (SD) Motel Reservations	74.00
Comptroller of the Treasury (Reapp) Property Index	46.00
Majors, Deyoun (THF) Gasoline Reimbursement	130.32
Michie Company (SD) TN Code Annotated	56.30
Mitchell Hodge Electric (SD) Maintenance - Equipment	71.35
Moore's Tractor Repair (SD) Maintenance - Vehicles	155.20
Morristown-Hamblen EMS (SD) Medical Services - Jail Inmate	268.00
Procomp (WP) Computer Ribbon	20.00
Radio Communications (EMA) Rental Fee	50.00
Ryder Truck Rental (EC) Truck Rental	234.03
Stinson, Robert DDS (SD) Medical Services - Jail Inmate	40.00
TN Two-Way (SD) Maintenance - Equipment	170.75
Video Security Systems (SD) Maintenance - Equipment	189.00
R. L. Polk & Co. (CnC) Vehicle Registration Manual	70.00

PERSONNEL POLICY-JOB DESCRIPTIONS..

Motion by Larry Baker, seconded by Eldridge Bryant to refer to the personnel committee the task of establishing a personnel policy and job description for county employees.

Voting for: all
Voting against: none

E-911 SURCHARGES INCREASE

Chairman Herbert Harville made the statement that this was the first notice on an increase of the surcharge on 911 needed to add two new employees to the department.

REZONING REQUESTS..

Motion by Joe Spooone, seconded by Stencil Ford to deny the following resolution.

Voting for: all
Voting against: none

RESOLUTION

A RESOLUTION TO AMEND THE ZONING MAP OF HAMBLEN COUNTY, TENNESSEE BY REZONING PARCEL 011.00 Lots 10 & 11 OF THE Wayman Skelton PROPERTY LOCATED ON 235 E. Manley Court

WHEREAS, The Hamblen County Planning Commission heard the request to amend the zoning map from R-1 to I-1 on Parcel 011.00 Lots 10 & 11 owned by Wayman Skelton; and

WHEREAS, The Hamblen County Planning Commission does hereby recommend for the rezoning request:

NOW THEREFORE, BE IT RESOLVED that the Hamblen County Board of Commissioners does hereby approve the rezoning and map amendment from R-1 to I-1 according to the attached map.

Motion was made by _____ seconded by _____

Voting For:

Voting Against:

ATTEST:

AUTHENTICATED:

DATE:

RESOLUTION

A RESOLUTION TO AMEND THE ZONING MAP OF HAMBLEN
COUNTY, TENNESSEE BY REZONING PARCEL 044.06
OF THE Charles Change
PROPERTY LOCATED ON
S. Air Park Blvd.

WHEREAS, The Hamblen County Planning Commission heard the request to
amend the zoning map from A-1 to C-1 on Parcel 044.06
owned by Charles Change
; and

WHEREAS, The Hamblen County Planning Commission does hereby recommend
for the rezoning request:

NOW THEREFORE, BE IT RESOLVED that the Hamblen County Board of
Commissioners does hereby approve the rezoning and map amendment from
A-1 to C-1 according to the attached map.

Motion was made by Joe Spooone seconded by
Stancil Ford

Voting For:

All

Voting Against:

None

ATTEST:

AUTHENTICATED:

Herbert H. Hamill

DATE:

Motion by Joe Spoons, seconded by Eldridge Bryant to approve the following resolution.

Voting for: all

Voting against: none

RESOLUTION

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF HAMBLEN COUNTY BY THE SUBSTITUTION OF 6.5. PUBLIC ROAD FRONTAGE REQUIRED AS WRITTEN.

WHEREAS, The Hamblen County Planning Commission has reviewed and recommended the rewriting of 6.5. requirement for public road frontage to replace the existing 6.5. section of the Hamblen County Zoning Resolution; and,

WHEREAS, the Hamblen County Board of Commissioners has held a public hearing on _____ and advertised the proposed amendment on _____;

NOW, THEREFORE BE IT RESOLVED that the Hamblen County Board of Commissioners do hereby adopt the following section 6.5. requirement for public road frontage uses as a replacement for the existing section:

Public Road Frontage Required. No construction may be permitted on a lot or tract which does not abut a public road for a minimum of fifty (50) feet. Subdivided property must meet the requirements of the Hamblen County Subdivision Regulations.

Attest:

County Trustee

AUTHENTICATED:

Paul L. Bruce
County Executive

Date

V. /

APPEAL DECISION ON REZONING PROPERTY.

Motion by Guy Collins, seconded by Keith Horner to send back to the planning commission the request to appeal the decision of the planning commission to rezone the property of B.J. Woody.

Voting for: all
Voting against: none

NEW POPLAR RIDGE ROAD.

Motion by Joe Spoone, seconded by Guy Collins to accept as a county road New Poplar Ridge Road.

Voting for: all
Voting against: none

OASI AMENDMENT TO AGREEMENT.

Motion by Eldridge Bryant, seconded by Guy Collins to approve the following agreement.

Voting for: all
Voting against: none

RESOLUTION TO AUTHORIZE AN AMENDMENT
TO THE STATE'S SOCIAL SECURITY AGREE-
MENT BY AND BETWEEN HAMBLEN COUNTY AND
AND THE DIRECTOR OF OLD AGE AND SURVIVORS
INSURANCE AGENCY, STATE OF TENNESSEE

WHEREAS, on January 1, 1954, Hamblen County, Tennessee and Director of Old Age and Survivors Insurance Agency, State of Tennessee entered into a Social Security Agreement pursuant to Section 218 of the Social Security Act; and

WHEREAS, on August 15, 1994, President Clinton signed the Social Security Administrative Reform Act of 1994, cited as Public Law 103-296, that among other things, changed the exclusion for election officials/election workers; and

WHEREAS, notwithstanding any provision(s) heretofore contained in the Social Security Agreement between the aforesaid parties, it is now the intent and purpose of the Hamblen County Board of Commissioners to amend said Agreement by and between Hamblen County and the State Old Age and Survivors Insurance Agency, to exclude from its coverage group under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of election workers and election officials if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999, and, the adjusted amount thereafter determined under Section 218 (c)(8)(B) of the Social Security Act, for any calendar year commencing on or after January 1, 2000; and

WHEREAS, the exclusion for aforesaid services is to be effective with respect to the services performed during any calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate Federal official by the Director of Old Age and Survivors Insurance Agency, State of Tennessee.

NOW, THEREFORE BE IT RESOLVED, by the Hamblen County Board of Commissioners meeting in regular session on this the 21st day of November, 1994 that the County Executive be authorized and directed to amend the said Agreement by and between the County and the State Old Age and Survivors Insurance Agency, for the purpose as heretofore stated.

VOTING AYE:

VOTING NAY:

The chair declared the Resolution adopted.

ATTEST:

County Clerk


Chairman

**RESOLUTION BY HAMBLLEN COUNTY, TENNESSEE
TO REQUEST STATE REPRESENTATIVES TO INTRODUCE
LEGISLATION EXEMPTING HAMBLLEN COUNTY, TENNESSEE
FROM TENNESSEE CODE ANNOTATED § 57-5-105(i)**

WHEREAS, under Tennessee Code Annotated § 57-5-105(i), Class A Counties are allowed, by Resolution of their County Legislative Bodies, to forbid the sale of beer within three hundred feet (300') of a residential dwelling if the owner of the residential dwelling appears in person before the County Beer Board and objects to the issuance of such permit or license and if the land in question is unzoned; and

WHEREAS, Hamblen County, Tennessee is a Class A County; however, all areas within Hamblen County, Tennessee located outside the municipal boundaries of the City of Morristown are zoned; and

WHEREAS, it is the desire of the Hamblen County Legislative Body that legislation be enacted by the State of Tennessee to allow Hamblen County, Tennessee to be exempted from the terms and effect of Tennessee Code Annotated § 57-5-105(i) so that Hamblen County, Tennessee can forbid the sale of beer within three hundred feet (300') of a residential dwelling;

NOW, THEREFORE, BE IT RESOLVED by the Hamblen County Board of Commissioners meeting in regular session on the 21st day of November, 1994 that State Senator Tommy Haun and State Representative Stancil L. Ford be requested to introduce legislation before the Tennessee Legislature to exempt Hamblen County, Tennessee by Private Act from the terms and effect of Tennessee Code Annotated § 57-5-105(i) to the effect that Hamblen County, Tennessee, although a Class A County containing zoning, shall be allowed to forbid the sale of beer within three hundred feet (300') of a residential dwelling if the owner of the residential dwelling appears in person before the County Beer Board and objects to the issuance of such permit or license.

WHEREFORE, it was moved by Eldridge Bryant and seconded by Guy Collins that this Resolution be adopted.

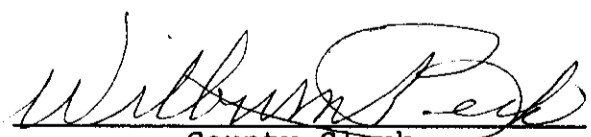
Voting aye: All

Voting nay: None

Pass: None

The Chair declared the Resolution adopted this 21st day of November, 1994.

Attest:


County Clerk


Chairman

SIGNS FOR SHERIFF DEPARTMENT.

Motion by Stancil Ford, seconded by Joe Spone that the Sheriff be authorized to purchase a new sign for the Justice Center with the cost to come from the Sheriff budget.

Voting for: all
Voting against: none

CONTRACT IN LIEU OF PERFORMANCE BOND -BALING FACILITY.

Motion by Larry Baker, seconded by Maudie Briggs to approve the following contract.

Voting for: all
Voting against: none

CONTRACT IN LIEU OF PERFORMANCE BOND

PURSUANT TO T.C.A. 68-211-116 and THE RULES AND REGULATIONS OF THE STATE OF TENNESSEE, the County of Hamblen and the City of Morristown (hereinafter referred to as "The County/City"), and the Tennessee Department of Environment and Conservation do hereby contract and agree as follows:

1. This agreement applies to the following solid waste disposal facilities:

Hamblen County/Morristown Baling Facility located at 3849 Sublett Road, Morristown, Tennessee, SWP 32-103-0235.

2. The County/City shall properly operate the described solid waste disposal facilities and perform closure thereof, in accordance with all requirements of the permit and the closure/post-closure plan, as such plan and permit may be amended, and pursuant to all applicable laws, statutes, rules, and regulations, and such laws, statutes, rules, and regulations may be amended.

3. The Total penal sum of this agreement is Eight Thousand, Nine Hundred and Fifty-one Dollars (\$8,951.00).

4. In the event that the County/City fails to perform as specified in paragraph 2, above, after giving the County/City notice and opportunity to cure the violation, the Commissioner of the Department of Environment and Conservation may collect any amount up to the total penal sum from any funds that otherwise would be disbursed from the State of Tennessee to the County/City and this agreement shall act as an assignment of any such forfeited funds from the County/City to the Tennessee Department of Environment and Conservation.

5. This contract shall be filed with the Commissioner of Finance and Administration who shall distribute any funds forfeited pursuant to this contract upon written notice from the Commissioner of Environment and Conservation.

This _____ day of _____, 1994.

Title: County Executive
For the County of Hamblen

Title: Mayor
For the City of Morristown

Commissioner,
Department of Environment and Conservation

Commissioner,
Department of Finance and Administration
THEREUPON, MEETING ADJOURNED.