

BE IT REMEMBERED that the Legislative Body Session for Hamblen, County Tennessee met at its regular monthly meeting on November 17, 1997 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Herbert Harville presiding.

The Legislative Body Session was opened by County Executive David Purkey.

Invocation was given by Willie Osborne.

Upon roll call the following members were present:

Larry Baker	Keith Horner
Maudie Briggs	Bud Jones
Eldridge Bryant	Willie Osborne
Guy Collins	Frank Parker
Stancil Ford	Bobby Reinhardt
Doyle Fullington	Tony Sizemore
Herbert Harville	Joe Spooone

MINUTES APPROVAL

Motion by Tony Sizemore, seconded by Frank Parker that the minutes of the previous meeting be approved.

Voting for: all  
Voting against: none

NOTARIES AND BONDSMEN

Motion by Tony Sizemore, seconded by Frank Parker that the following notaries and their bondsmen be approved.

Voting for: all  
Voting against: none

**CERTIFICATE OF ELECTION OF NOTARIES PUBLIC**

As Clerk of the County of Hamblen, Tennessee,

I HEREBY CERTIFY TO THE SECRETARY OF STATE THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF NOTARY PUBLIC DURING THE Nov., 19 97 MEETING OF THE GOVERNING BODY:

NAME (PRINT OR TYPE)	HOME ADDRESS AND PHONE (INCLUDE ZIP AND AREA CODES)	BUSINESS ADDRESS AND PHONE (INCLUDE ZIP AND AREA CODES)
Maxine Shackelford Bible Ins.	2459 W. Hwy 11-E Strawberry Plains, Tn. 37871 423-933-2797	Jeffrey Chain 2307 Maden DR., Morr. Tn. 37814 423-586-1951
Lawrence Kirk Wyss Risk Management	2350 Elgerlote Lane, Morr. Tn. 37814 423-586-1359	Attorney 617 W. Main St., Morr. Tn. 423-581-3773 37814
Greg B. Steisslinger Southern States Ins.	3220 Landmark Dr. Morrystown, TN. 37814 423-587-5298	1st. Tn. Bank P.O. Box 1699, Morr. TN. 37814 423-586-8021
SamUEL David Britton Claude DRummonds Lee L. Austin	P.O. Box 1953, Morr. TN. 37814 423-587-6930	Self-employed P.O. Box 1953, Morr. Tn. 37814 423-587-6930
Carolyn E. Harris State Farm	3242 Enka Hwy, Morr. Tn. 423-587-4288 37814	H. A. Harris State Farm 708 W. 1st. North ST. Morr. Tn. 423-581-9390
Thomas Milton Strate Bonding Co.	1461 Darbee Dr., Morr. TN. 423-587-2108 37814	Strate Ins. Group, Inc. 400 West Main St., Morr. TN. 423-587-2204 37814
Janet A. Lamb Bonding Co.	6886 Westgate Cr., Talbot Tn. 37877 423-586-0350	Union Planters Bank 201 W. Morris Blvd, Morr. Tn. 423-318-1734 37813
Crystal M. Gill Shannon Greene Alan C. Greene	5356 Stuffel Rd., Morr. Tn 423-318-0565 37814	ABG Caulking Contractors 5320 Cub Cir., Morrystown, 423-587-0638 37814

BILLS

Motion by Willie Osborne, seconded by Frank Parker that the following bills be approved and paid.

Voting for: all  
Voting against: none

Hamblen County Government - Finance Committee

Bills Recommended for Payment November 10, 1997

Sheet1

ADD-RITE	HD	23.64	IKON	HC	381.50
ADVANCED MAILING SYSTEMS	CRC	79.90	KAY'S UNIFORMS	EMA	122.00
	HC	71.25			
	HC	20.14	JOHN KINSER, MD	ME	1040.00
AMBROSE PRINTING	CM	131.05	LANIER	HC	102.27
MICHELL A BACON	HC	75.00	LEONARD'S	EXT	12.00
BARGE, WAGGONER, SUMNER..	HC	1732.00	LOG ON COMPUTER SERVICE	HD	243.45
BRADLEY'S	HD	47.39	MCSPADDEN REAL ESTATE	APP	1600.00
	A	15.95			
BRIDGES COMPUTER SYSTEMS	CNC	75.00	MICHIE	JUV	33.77
				CM	95.65
BUSINESS INFORMATION SYST	RD	3450.50		GS	6.74
				RD	21.24
CARROT TOP	HC	164.00	MORRISTOWN ELECTRIC	INV	300.00
CITY OF MORRISTOWN	HC	5341.61	MORRISTOWN HAMBLEN EMS	THF	300.00
COMPROLLER OF THE TREASURY	PC	236.77	MURRELL BURGLAR ALARM	HD	36.58
	A	46.00		HC	20.00
	RD	92.00			
CONCEPTS IN COMMUNICATION	HC	179.90	JIM NEWMAN	T	267.12
COUNTY RECORD SERVICE	RD	138.40	OFFICE DEPOT	CNC	59.60
				INV	133.18
CUSTOM PRINTING	CRC	65.00		A	20.01
				HC	9.13
EVANS	HD	17.80		CM	15.76
	CNC	6.57		PC	7.88
	JUV	27.07		VSO	7.87
	CE	12.00		CE	16.25
	CNC	85.00		CRC	12.63
	RD	100.06		HD	6.81
				T	27.88
FOOD CITY	THF	200.07	OTIS	CH	278.55
GRAYBAR	JUV	965.98	OWENS MINOR	HD	23.94
				HD	147.96
GREAT WESTERN	RD	32.18			
HAMBLEN COUNTY SHERIFF DEPT	THF	272.00	JOSEPH PURKEY	PC	18.72
HARVILLE HARDWARE	RD	166.23	PET DAIRY	THF	21.78
			PRICE & PRICE MECHANICAL	CH	67.50

Bills Recommended for Payment November 10, 1997

Sheet1

RADIO COMMUNICATION	EMA	216.24		
RENTAL UNIFORM SERVICE	CH	198.24	<b>GARBAGE COLLECTION DEPARTMENT</b>	
	JC	127.68		
SCHWAAB	EC	49.10	EDWARD BALL	111.80
	CNC	63.60	HAMBLEN CO/MT SOLID WASTE	48018.50
SUNTRUST BANK	CRC	22.19	JIMMY'S AUTO PARTS	97.47
IRMA TEFFEFELLER	HD	556.80	JOHNSON OIL CO	210.20
			KENWORTH	402.58
			MOMAR	159.90
			RECYCLING & CO	3735.29
			SEARS	75.00
			TED RUSSELL	90.34
TIDI WASTE	HD	50.00	TENNESSEE FARMERS COOP	2498.16
UNIVERSAL	CRC	315.14	TRACTOR SUPPLY	79.99
WALMART	T	21.73	WAL-MART	24.96
	HD	114.02	WHEELS & BREAKES	388.41
			WELDING SUPPLY	57.10
WALLACE HARDWARE	INV	557.60	WRIGHTS SUPPLY	52.60
WARD PRINTING	CRC	254.50		
	PC	99.00		
	CNC	29.50		
	EMA	100.50		
	CM	25.60		
XEROX	HC	185.71		
	HC	285.35		
	RD	171.63		
YARDLEY	CNC	544.00		

**BILLS AFTER THE MEETING**

ADRIAN HALE PEST CONTROL	HD	19.00
	CH	59.00
	JC	38.00
	MAL	25.00

Hamblen County Government - Finance Committee

Bills Recommended for Payment November 10, 1997  
Sheet1

ABBREVIATIONS

ASSESSOR	A
ATTORNEY GENERAL	AG
COUNTY CORONER	CC
COUNTY EXECUTIVES	CE
COURTHOUSE	CH
CLERK & MASTER	CM
COUNTY CLERK	CNC
COMMISSION	COM
CIRCUIT COURT	CRC
ELECTION COMMISSION	EC
EMERGENCY MANAGEMENT	EMA
EXTENSION OFFICE	EXT
GARBAGE	G
GENERAL SESSIONS	GS
HAMBLEN COUNTY	HC
HEALTH DEPARTMENT	HD
INVENTORY	INV
JAIL	J
JUSTICE CTR	JC
JUVENILE COURT	JUV
MEDICAL EXAMINER	ME
PLANNING COMMISSION	PC
REGISTER OF DEEDS	RD
SHERIFF'S DEPARTMENT	S
TRUSTEE	T
TEMPORARY HOLDING	THF
VETERAN'S SERVICE OFFICE	VSO
WORK PROGRAM	WP

COURTHOUSE SURVEY

Motion by Tony Sizemore, seconded by Frank Parker to take any additional money needed to complete the survey of the courthouse property from budgeted money.

Voting for: all  
Voting against: none

SAFETY IMPROVEMENTS SR66@SR160-TDOT

Motion by Stancil Ford, seconded by Guy Collins that the following contract be approved with the cost not to exceed \$50,000.

Voting for: all  
Voting against: none

**AGREEMENT NO: 261-97**

**This AGREEMENT is entered into on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, between the STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION, hereinafter "Department", and HAMBLEN COUNTY, hereinafter "Local Government", for the purpose of providing an understanding between the parties of the Local Government's obligations for implementation of a highway safety improvement project under the Hazard Elimination Program, being Project No. STP-H-66(28), that is described in "EXHIBIT A" attached and incorporated into this Agreement.**

**The Department agrees to pay for 100% of the actual Project costs up to \$50,000.00. All other costs will be paid for by the Local Government.**

**STANDARD TERMS**

**1. The Local Government shall submit invoices, in a form acceptable to the Department with all necessary supporting documentation, prior to any payment of allowable costs. Such invoices shall be submitted no more often than monthly and indicate at a minimum the amount charged for the period invoiced, the amount charged to date, the total amounts charged under this Contract for the period invoiced and the total amount charged to date. Each invoice shall be accompanied by proof of payment in the form of a canceled check or other means acceptable to**

**both parties hereto.**

**2. The payment of an invoice by the Department shall not prejudice the Department's right to object to or question any invoice or matter in relation thereto. Such payment by the Department shall neither be construed as acceptable of any part of the work or service provided nor as an approval of any of the costs invoiced therein. The Local Government's invoice shall be subject to reduction for amounts included in any invoice or payment theretofore made which are determined by the Department, on the basis of audits conducted in accordance with the terms of this Contract, not to constitute allowable costs. Any payment shall be reduced for overpayments, or increased for under-payments on subsequent invoices.**

**3. Should a dispute arise concerning payments due and owing to the Local Government under this Contract, the Department reserves the right to withhold said disputed amounts pending final resolution of the dispute.**

**4. The Local Government understands that the construction phase of the Project will be commenced immediately following the completion of all of its applicable responsibilities in accordance with a schedule that will provide for at least fifty percent completion of the construction phase within one year from its commencement and thereafter continued without interruption until completed in accordance with the provisions of "EXHIBIT A". The failure of the Local Government to follow the schedule for the construction phase will be construed as a breach of this Agreement.**

**5. The Local Government understands and agrees that if such a breach occurs the Local Government will be subject to repayment of all sums of money paid**

**to the Local Government.**

**6. The Department is not bound by this Contract until it is approved by the appropriate Department officials as indicated on the signature page of this Contract.**

**7. This Contract may be modified only by a written amendment which has been executed and approved by the appropriate parties as indicated on the signature page of this Contract.**

**8. The Department may terminate the Contract by giving the Local Government at least ninety (90) days notice before the effective termination date. The Local Government shall be entitled to receive equitable compensation for satisfactory authorized services completed as of termination date.**

**9. The Local Government agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.), and the Department of Transportation Implementing Regulations (49 CFR Part 21).**

**10. It is the policy of the Department that minority business enterprises (MBEs) as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of subcontracts financed with Federal funds. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Contract. The Local Government agrees to ensure that such MBEs have the maximum opportunity to participate in the performance of subcontracts financed in whole or in part with Federal funds under this Contract. In this regard, the Local Government shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform subcontracts.**



**11. If the Local Government fails to properly perform its obligations under this Contract or violates any terms of this Contract, the Department shall have the right to immediately terminate the Contract and withhold payments in excess of fair compensation for completed services. The Local Government shall not be relieved of liability to the Department for damages sustained by virtue of any breach of this Contract by the Local Government.**

**12. The Local Government agrees that when the construction phase is completed, it will provide the Department with a written certification that the Project was constructed in accordance with the terms of this Contract.**

**13. The Local Government understands that if there is a determination by the Federal Highway Administration that part or all of the sums of money paid to the Local Government are ineligible for federal funds participation because of the failure to the Local Government to adhere to federal law and regulations, the Local Government will be obligated to pay the Department the sum of money declared ineligible by the Federal Highway Administration.**

**14. The Local Government agrees to comply with all applicable federal and state laws and regulations in the performance of its duties under this agreement. The parties hereby agree that failure of the Local Government to comply with this provision shall constitute a material breach of this agreement and subject the Local Government to the repayment of all damages suffered by the State and or the Tennessee Department of Transportation as a result of said breach.**

**15. Each party agrees to maintain the improvements made under the Project which are located on a road under its jurisdiction, with the exception of all**

**electrically operated devices together with their related equipment, wiring and appurtenances which the Local Government agrees to maintain. In addition, the Local Government agrees to provide electric power to said devices.**

**16. Records of costs shall be kept by the Local Government and shall be available for inspection and copying by the Department during normal business hours for a period of not less than three years following the completion or termination of the Project.**

**IN WITNESS WHEREOF, the parties hereto have caused this**

**Agreement to be executed by their respective authorized officials.**

**HAMBLEEN COUNTY**

**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION**

**By: \_\_\_\_\_  
County Executive**

**By: \_\_\_\_\_  
J. Bruce Saltsman, Sr.  
Commissioner**

**APPROVED AS TO FORM AND  
LEGALITY**

**APPROVED AS TO FORM AND  
LEGALITY**

**By: \_\_\_\_\_  
County Attorney**

**By: \_\_\_\_\_  
C. Timothy Gary  
General Counsel**

**CERTIFIED FOR THE AVAILABILITY  
OF FUNDING**

**By: \_\_\_\_\_  
Mike Shinn  
Director of Finance**

# "EXHIBIT A"

County: Hamblen      Route or Road Name: State Route 66

**Location (Termini and Description):** The intersection of State Route 66 with State Route 160 is located on the outskirts of Morristown. State Route 66 is a two-lane secondary aerial roadway. State Route 160 is a four-lane divided collector roadway.

**Length:** N/A

**Problem:** This intersection has experienced numerous right angle accidents since it's construction. Motorist pulling out of State Route 66 crossing State Route 160 are experiencing most of the accidents at this intersection.

**Proposed Solution:** Install flashing beacons on State Route 66 approach stop signs and place the flashing beacons on the side road signs on State Route 160. The flashing beacons should be actuated by loops located on State Route 66. The flashing beacons should help alert motorist on both state routes of the approaching intersection.

**Note:** Attach maps, sketches and/or pictures  
**Traffic:** N/A

**Accident Data/Potential:** N/A

**Estimated Cost:** PE \$ \_\_\_\_\_ R/W \$ \_\_\_\_\_ Const. \$ 50,000

**Additional Remarks:** The county should contract the work.

**Submitted By:** Mark Best <sup>FBC</sup> **Date:** September 3, 1997

**Recommended:** Asst. Exec. Dir. Plns. & Dev. [Signature] [Signature]  
Asst. Exec. Dir. ~~Plns. & Dev.~~ [Signature] \_\_\_\_\_

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

**Approved:** [Signature] \_\_\_\_\_ [Signature] \_\_\_\_\_  
Exec. Dir. ~~Eng. & Dev.~~ Exec Dir. Operations

**Date:** 9/30/97

**c:** Mr. Steve Bosland  
**Enclosures:** County Executive's Letter  
Location Map  
Collision Diagram  
Traffic Counts

RESOLUTION-SEX OFFENDERS REGISTRATION

Motion by Guy Collins, seconded by Eldridge Bryant that the following resolution be approved.

Voting for: all  
Voting against: none

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**RESOLUTION NO. 97-11-000**

**A RESOLUTION SUPPORTING THE 1995 SEX OFFENDER REGISTRATION AND MONITORING ACT.**

**WHEREAS**, In 1995, the General Assembly of the State of Tennessee adopted the Sex offender Registration and Monitoring Act; and

**WHEREAS**, the act requires that law enforcement officials maintain a registry of convicted sex offenders; and

**WHEREAS**, the act has recently been challenged in Federal Court by a man convicted of molesting a 5-year-old relative in Greene County; and

**WHEREAS**, U.S. District Judge Thomas Wiseman has ruled the public is not to view the registry, stating "The Public may very well have an interest in knowing whether there is a dangerous sex offender living in their neighborhood. This interest, however, is not so significant to outweigh the interest of a convicted sex offender in having an opportunity to refute whether he or she actually does pose a danger to the community before the information is released."; and

**WHEREAS**, the members of the County Legislative Body of Hamblen County find that the majority of the citizens of Hamblen County support public access to the registry of convicted sex offenders.

**NOW THEREFORE, BE IT RESOLVED** by the Hamblen County Legislative body meeting in session this \_\_\_ day of \_\_\_ 1997, that the Hamblen County representatives on the Tennessee General Assembly are hereby requested to take appropriate steps to redraw this important legislation to allow the public to have access to the registry of convicted sex offenders; and

**BE IT FURTHER RESOLVED** that President Clinton be encouraged to nominate to Federal Judicial positions people who have more concern for the safety and welfare of the citizens than Judge Wiseman; and

**BE IT FURTHER RESOLVED** THAT A COPY OF THIS RESOLUTION BE SENT TO President Clinton, Governor Sunquist, Senator Haun, and Representative Ford.

CERTIFICATION OF ACTION

ATTEST

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
County Clerk

approved \_\_\_\_\_  
vetoed \_\_\_\_\_

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

# RESOLUTION

**A RESOLUTION TO AMEND THE ZONING MAP OF  
HAMBLLEN COUNTY, TENNESSEE BY REZONING PART OF  
PARCEL 065.04, OF THE WILLIAM & KATHY LAYMAN  
PROPERTY LOCATED AT 3737 MAPLE VALLEY HOME RD.**

WHEREAS, The Hamblen County Planning Commission heard the request to amend the zoning map from A-1 to I-1 on Part of Parcel 065.04 owned by William & Kathy Layman;

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 I-1 according to the attached map.

Motion was made by Joe Spooone  
seconded by Keith Horner.

Voting For:  
All

Voting Against:  
None

ATTEST:

Herbert H. Haiple

AUTHENTICATED:

\_\_\_\_\_

DATE:

\_\_\_\_\_

GROVE STREET

Motion by Joe Spoone, seconded by Keith Horner to abandon the unimproved public right of way (a portion of Grove Street) across the eastern portion of the Sweeney property.

Voting for: all  
Voting against: none

OLD ST. CLAIR ROADBED ABANDONMENT

Motion by Keith Horner, seconded by Frank Parker to abandon a portion of the old St. Clair Road as described below:

Hamblen County, Tennessee hereby abandons all its right, Title and interest in and to that parcel of real estate located in the Third Civil District of Hamblen County, Tennessee and being that portion of the Old St. Clair Roadbed running approximately 1200' across the Arterburn Property on the North side of the present St. Clair Road and transecting Mullins Road and being all of that real estate used as a roadbed for the Old St. Clair Road prior to the straighteneing of said road sometime in the early 1970's and being completely contained upon the Arterburn Property.

Voting for: all  
Voting against: none

RESOLUTION-BUILDING PERMIT FOR MOBILE HOME PLACEMENT

Motion by Joe Spoone, seconded by Eldridge Bryant that the following resolution be approved.

Voting for: all  
Voting against: none

**RESOLUTION  
A RESOLUTION TO AMEND THE ZONING RESOLUTION OF  
HAMBLEN COUNTY BY THE SUBSTITUTION OF ARTICLE 10.2  
BUILDING PERMITS TO REPLACE THE  
CURRENT ARTICLE 10.2.**

**WHEREAS,** The Hamblen County Planning Commission has reviewed and recommended the rewriting of Article 10.2 Building Permits to replace the existing Article 10.2 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 Article 10.2 Building Permits as a replacement for the existing section:

**10.2 BUILDING PERMITS** It shall be unlawful to start construction of a principal building or accessory building unless a permit is obtained. It shall also be unlawful to construct additions to any existing building unless a permit is obtained. A building permit is required for mobile home placement, to include the replacement/upgrading of a mobile home, and unlawful construction shall include the placement, or replacement/upgrading of a mobile home on a lot, tract, parcel, or plot without obtaining a building permit.

Certified:

Recommended and Certified to the  
Legislative Body for approval.

\_\_\_\_\_  
County Court Clerk

\_\_\_\_\_  
Florence Kegley, Chairman  
Hamblen County Planning Commission

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

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

Attest:

\_\_\_\_\_  
Wilburn Beck, County Clerk

Authenticated:

\_\_\_\_\_  
David W Purkey, County Executive

DATE: \_\_\_\_\_

THEREUPON, MEETING ADJOURNED.