

This is to certify that these minutes were approved by the Hamblen County
Legislative Body on

Sept. 22, 2005

Joe Spone
Joe Spone, Chairman

Linda Wilder
Linda Wilder, Hamblen County Clerk

BE IT REMEMBERED that the Legislative Body Session for Hamblen County, Tennessee met at its regular monthly meeting on August 18, 2005 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Joe Spoone presiding.

The Legislative Body Session was opened by Sheriff Otto Purkey.

The Pledge of Allegiance was led by Nancy Phillips

Upon roll call the following members were present:

Dennis Alvis	Herbert Harville
Larry Baker	Tom Lowe
Maudie Briggs	Linda Noe
Ricky Bruce	Edwin Osborne
Guy Collins	Nancy Phillips
Doyle Fullington	Bobby Reinhardt
Donald Gray	Joe Spoone

MINUTES APPROVAL

Motion by Guy Collins, seconded by Larry Baker to approve the minutes of the commission meetings for July 21 and reconvened meeting on August 4, 2005.

Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spoone	

NOTARIES AND BONDSMEN

Motion by Larry Baker, seconded by Guy Collins to approve the following notaries and their bondsmen.

Voting for: all

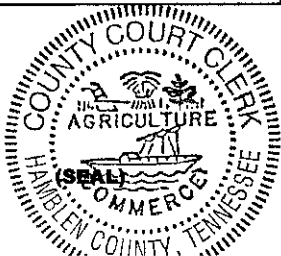
CERTIFICATE OF ELECTION OF NOTARIES PUBLIC

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 August, 20 05 MEETING OF THE GOVERNING BODY:

NAME <small>(PRINT OR TYPE)</small>	HOME ADDRESS AND PHONE <small>(INCLUDE ZIP AND AREA CODES)</small>	BUSINESS ADDRESS AND PHONE <small>(INCLUDE ZIP AND AREA CODES)</small>
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1 Lilly H. Seals Accordia Insurance Co.	5625 Brights Pike Russellville, TN 37860 423-587-5434	511 W. Second North St. Morristown, TN 37814 423-586-6551
2 Teresa Greene Notary Public Underwriters, Inc.	5825 Chestnut Oak Dr. Morristown, TN 37814 423-587-4031	1125 N. Hwy. 92, Suite A Jefferson City, TN 37760 865-475-2214
3 Earlene Hamilton Farm Bureau	7427 Circle Point Drive Talbot, TN 37877 423-581-9746	331 West Main St. Morristown, TN 37814 423-586-6431
4 Nicole F. Young Old Republic Surety Co.	2060 Roe Junction Rd. Morristown, TN 37813 423-523-2652	2226 W. Andrew Johnson Hwy. Morristown, TN 37814 423-581-4114
5 Mary Ivy Citi Financial	1009 Keith Lane Morristown, TN 37813 423-581-2038	1329 W. Andrew Johnson Hwy. Morristown, TN 37814 423-586-3521
6 Jennifer B. Schuchart Citi Financial	2025 Overlook Ave. Jefferson City, TN 37760 865-475-0885	1329 W. Andrew Johnson Hwy. Morristown, TN 37814 423-586-3521
7 Lori Cagle Sentry Insurance	4017 Scarlett Drive Morristown, TN 37814 423-586-0053	6900 W. Andrew Johnson Hwy. Talbot, TN 37877 423-581-6333
8 Rita M. Cash Strate Insurance	1018 Indian Cave Rd. New Market, TN 37820 865-475-4295	5944 W. Andrew Johnson Hwy. Morristown, TN 37814 423-587-1972
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Linda Wilder / m.s.
SIGNATURE

CLERK OF THE COUNTY OF Hamblen, TENNESSEE
August 11, 2005
DATE

BEER PERMIT

Motion by Larry Baker, seconded by Maudie Briggs to approve the beer permit for Hookers & Hunters Campground, 3436 Brights Pike, Morristown.

Voting for	Voting against	Abstain
Larry Baker	Doyle Fullington	Dennis Alvis
Maudie Briggs	Joe Spooone	Linda Noe
Ricky Bruce		
Guy Collins		
Donald Gray		
Herbert Harville		
Tom Lowe		
Edwin Osborne		
Nancy Phillips		
Bobby Reinhardt		

MONTHLY CHECKS

Motion by Herbert Harville, seconded by Guy Collins to approve the monthly checks submitted by the County Mayor's office.

Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spooone	

BID AWARD-NEBLETT ROAD SITE

Motion by Herbert Harville, seconded by Larry Baker to accept the bid from Safety & Ecology Holdings in the amount of \$299,694. for the capping activities and borrow material for the Neblett Road Landfill project.

Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spooone	

BUDGET AMENDMENT-HOMELAND SECURITY

Motion by Herbert Harville, seconded by Maudie Briggs to approve the following budget amendment for the FY 05 Homeland Security Grant in the amount of \$324,665.

Hamblen County Commission
Finance Committee



Month AUG Year 2005

Fund 101 DEPT: EMA - HOMELAND SECURITY

Account Number	Description	Debit	Credit
54490.790	Other Equipment	324,665	
47235.000	Homeland Security Grants		324,665

Brief Descriptions of Issue
Budget amendment to allow purchases to be made on the FY 05 Homeland Security Grant.
REMINDER: This is a 100% Federally funded grant.

Signature: *J. Chad Carpenter*
Title: *Director*
Date: *25 July 2005*

For Finance Department Only:	
Reviewed by: _____	
Budget Amendment: _____	

AUTHORIZING RESOLUTION

Resolution authorizing submission of an application for a Litter and Trash Collecting Grant for FY 2005-2006 from the Tennessee Department of Transportation and authorizing the acceptance of said Grant.

Whereas, the Hamblen County Commission intends to apply for the aforementioned Grant from the Tennessee Department of Transportation and,

Whereas, the contract for the Grant for FY 2005-2006 will impose certain legal obligations upon Hamblen County.

THEREFORE, BE IT RESOLVED:

- 1. That David Purkey, County Mayor of Hamblen County is authorized to apply on behalf of Hamblen County for a Litter and Trash Collecting Grant for FY 2005-2006 from the Tennessee Department of Transportation.**

- 2. That should said application be approved by the Tennessee Department of Transportation, then David Purkey of Hamblen County is authorized to execute contracts or other Necessary documents, which may be required to signify acceptance of the Litter and Trash Collecting Grant by Hamblen County.**

Approved at the regularly meeting held on the 18 day of Aug., 2005.



County Mayor

Notary: _____

Date: _____

(Seal)

ATTEST:



LITTER GRANT RESOLUTION

Motion by Herbert Harville, seconded by Larry Baker to approve the following resolution for the FY 05-06 Litter Grant.

Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spoone	

DRAINAGE BOND RELEASE

Motion by Herbert Harville, seconded by Dennis Alvis to approve the drainage bond release for Ina McMahan.

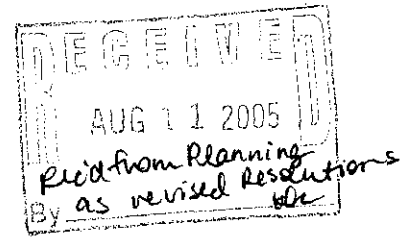
Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spoone	

PLANNING COMMISSION FEE CHART MODIFICATION

Motion by Herbert Harville, seconded by Nancy Phillips to approve the modifications to the Planning Commission's fee chart.

Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spoone	

RESOLUTION



**RESOLUTION TO AMEND THE
BUILDING CODES OF HAMBLEN COUNTY, TENNESSEE**

WHEREAS, the Hamblen County Board of Commissioners, on October 21, 1999, adopted a Resolution adopting various standard building codes published by Southern Building Code Congress International, Inc. (Now reformed to an International Code Congress) relating to inspection activities of Hamblen County, Tennessee and enforcement of building provisions as provided in said codes along with an Appendix B setting forth the schedule of permit fees; and

WHEREAS, there is a need to adjust the Schedule of permit fees to conform with the increased costs of administering the program.

THEREFORE, BE IT RESOLVED that the following scheduling permits fees be adopted:

Modification of Existing Fees from Cost Base to Sq. Footage

\$/ sq. ft.

- \$ 0.50 House, House additions, Living Area Additions
- \$ 0.55 House with a basement & Commercial Construction
- \$ 0.25 Mobile Home, Storage Buildings, Attached & Detached Garage, Decks, Carports or other
- Misc. Fee for unlisted structures, are to be determined on a Case-by-Case Basis, with a \$50.00 minimum.

New Fees to be Implemented

- \$100.00 Stormwater Management Fee shall be applied on a per lot basis
Major Subdivision Plats - One acre or greater in size with 3 or more lots and requiring Drainage Plans
(A Refund may be processed if the Subdivision is sold as a whole and not recorded in the Register of Deeds Office)
- \$100.00 Building Permit - Land Disturbance Permit
- \$150.00 Plat Approval for all subdivisions (Administrative Cost)
- \$ 50.00 Variance Request & Use on Review Determinations

BE IT FURTHER RESOLVED by the Board of Commissioners of Hamblen County, Tennessee that any matters in said codes which are contrary to existing resolutions of Hamblen County, Tennessee, shall prevail and, to that extent any existing Resolutions to the contrary are hereby repealed in that respect only.

BE IT FURTHER RESOLVED that within said codes, when reference is made to the duties of a certain official named therein, that designated official of Hamblen County, Tennessee who has duties corresponding to those of the named official in said Code shall be deemed to be the responsible official insofar as enforcing the provisions of said codes are concerned.

ADOPTION OF RESOLUTION shall be in full force and effect 30 days after its final passage and adoption by the Hamblen County Board of Commissioners.

WHEREFORE, it was moved by _____ and seconded by _____ that this Resolution be adopted.

Voting Aye: _____

Voting Nay: _____

Pass: _____

The Chair declared the resolution adopted this 18th day of August, 2005

By: Joe Spome
Chairman

Attest:

Linda Wilder
County Clerk

SECURITY ASSESSMENT-COURTHOUSE/JUSTICE CENTER

Motion by Dennis Alvis, seconded by Linda Noe to take the security assessment from the Tennessee Law Enforcement Training Academy on the Courthouse and Justice Center under advisement.

Voting for: all

BRUSH TRUCK

Motion by Larry Baker, seconded by Herbert Harville to accept a goodwill offer from Smokey Mountain Outfitters due to the delay of delivery of a brush truck to the Garbage Department-\$1,000. will be deducted from the bid price and an extended 5 year/150,000 mile warranty will be given for the truck.

Voting for: all

AIRING OF COMMISSION MEETINGS

Motion by Nancy Phillips, seconded by Tom Lowe to request of Charter Communications that they provide the County Government with a dedicated channel and to send a letter to the local cable companies reminding them of the times that the meetings are to be aired.

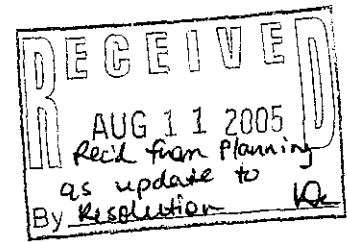
Voting for: all

RESOLUTION-HAMBLEN COUNTY STORM WATER

Motion by Nancy Phillips, seconded by Larry Baker to approve the following resolutions.

Voting for: all

HAMBLLEN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS



RESOLUTION NO. _____

**RESOLUTION ADOPTING REGULATIONS TO REDUCE POLLUTION BY
ESTABLISHING ILLICIT DISCHARGE AND ILLEGAL
CONNECTION CONTROL MEASURES**

WHEREAS, uncontrolled stormwater drainage and discharge have a significant, adverse impact on the health, safety, and general welfare of the residents of Hamblen County and an adverse impact on the natural environment by carrying pollutants into the receiving waters within the community; and

WHEREAS, Hamblen County is required by federal law, particularly 33 U.S.C. 1342(p) and 40 CFR 122.26, to obtain a National Pollutant Discharge Elimination System (NPDES) permit through the Tennessee Department of Environment and Conversation (TDEC) to reduce stormwater flows and associated pollutants discharged into waterways through Hamblen County's stormwater system and drainage ways; and

WHEREAS, the NPDES permit requires Hamblen County to impose controls on future and existing development necessary to reduce the discharge of pollutants in stormwater to the maximum reasonable extent using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants; now therefore

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF HAMBLLEN COUNTY, TENNESSEE THAT:**

The Illicit Discharge Resolution shall read as follows:

Section I. Purpose/Intent.

The purpose of this resolution is to provide for the health, safety, and general welfare of the citizens of Hamblen County through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This resolution establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this resolution are:

1. To regulate the contribution of pollutants to the county's MS4 by stormwater discharges by any user.
2. To prohibit Illicit Connections and Discharges to the county's MS4.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this resolution.

Section II. Definitions.

For the purposes of this resolution, the following shall mean:

Authorized Enforcement Agency. employees or designees of the director of Planning of the Hamblen County Planning Commission designated to enforce this resolution.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. After March 2003, NPDES Storm Water Phase II permits are required for construction projects resulting in land disturbance of 1 acre or more. Projects or developments of less than one acre of land disturbance are required to obtain authorization if the construction activities at the site are part of a larger common plan of development or sale that is at least one acre in size. Projects or developments of less than one acre of total land disturbance may also be required to obtain authorization under certain conditions. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in other Sections of this resolution.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow

any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. Is defined as a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Is defined as any individual, association, organization, partnership, firm, corporation, municipality, or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, county streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Section III. Applicability.

This resolution shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section IV. Responsibility for Administration.

The Hamblen County Planning Commission and its Director of Planning shall administer, implement, and enforce the provisions of this resolution. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section V. Severability.

The provisions of this resolution are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this resolution or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this resolution.

Section VI. Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this resolution are minimum standards; therefore this resolution does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section VII. Discharge Prohibitions.

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the county storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this resolution: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains,

uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this resolution if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section VIII. Suspension of MS4 Access.

Suspension Due to Illicit Discharges in Emergency Situations.

The Hamblen County Planning Commission and its Director of Planning may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this resolution may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Hamblen County Planning Commission will notify a violator of the proposed termination of its MS4 access. The violator may petition the Hamblen County Planning Commission for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section IX. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Hamblen County Planning Commission and its Director of Planning prior to the allowing of discharges to the MS4.

Section X. Monitoring of Discharges.

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

1. The Hamblen County Planning Commission and its Director of Planning shall be permitted to enter and inspect facilities subject to regulation under this resolution as often as may be necessary to determine compliance with this resolution. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
2. Facility operators shall allow the Hamblen County Planning Commission and its Director ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The Hamblen County Planning Commission and its Director shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The Hamblen County Planning Commission and its Director has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Hamblen County Planning Commission and its Director and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the Hamblen County Planning Commission and its Director access to a permitted facility is a violation of a storm water discharge permit and of this resolution. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this resolution.
7. If the Hamblen County Planning Commission and its Director have been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this resolution, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this resolution or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section XI. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

Hamblen County Planning Commission and its Director will adopt requirements identifying Best Management Practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the County's MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Section XII. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section XIII. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Hamblen County Planning Commission and its Director within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section XIV. Enforcement.

Notice of Violation - Whenever the Hamblen County Planning Commission and its Director finds that a person has violated a prohibition or failed to meet a requirement of this resolution, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analysis, and reporting;
2. The elimination of illicit connection or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a civil penalty to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration or affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

The Hamblen County Planning Commission and the Hamblen County Director of Planning are authorized and empowered to enforce the requirements of this resolution in accordance with the procedures set out in Tennessee Code Annotated 68-221-1106 or T.C.A. 5-1-121, the terms of which are incorporated

herein by reference. Any person who violates the provisions of any resolution regulating storm water discharges or facilities shall be subject to a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of violations. Each day of violation may constitute a separate violation.

Section XV. Appeal of Civil Penalty.

Any person receiving an Assessment may appeal the determination to the Hamblen County Planning Commission. The notice of appeal must be received within 30 days from the date of the Assessment. Hearing on the appeal before the Hamblen County Planning Commission or its designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the Hamblen County Planning Commission or their designee shall be final.

Section XVI. Remedies Not Exclusive.

The remedies listed in this resolution are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section XVII. Conflict with Other Regulations

Where the standards and management requirements of this resolution are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply.

Section XVIII. Separability

The provisions and sections of this resolution shall be deemed to be separable, and the invalidity of any portion of this resolution shall not affect the validity of the remainder.

XIX. Adoption of Resolution.

This resolution shall be in full force and effect 30 days after its final passage and adoption by the Hamblen County Board of Commissioners. All prior resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

WHEREFORE, it was moved by _____ and seconded by
_____ that this Resolution be adopted.

Voting Aye: _____

Voting Nay: _____

Pass: _____

The Chair declared the Resolution adopted this 18th day of August, 2005.

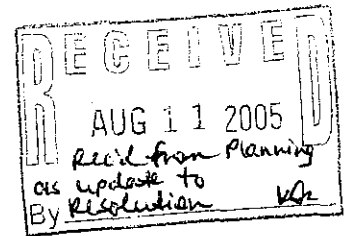
Chairman

Attest:

Linda Wilder
County Clerk

Approved 8/19/05
David W. Tucker
County Mayor

HAMBLEN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS



RESOLUTION NO. _____

**RESOLUTION ADOPTING REGULATIONS TO REDUCE POLLUTION BY
ESTABLISHING EROSION AND SEDIMENTATION CONTROL MEASURES**

WHEREAS, uncontrolled stormwater drainage and discharge have a significant, adverse impact on the health, safety, and general welfare of the residents of Hamblen County and an adverse impact on the natural environment by carrying pollutants into the receiving waters within the community; and

WHEREAS, Hamblen County is required by federal law, particularly 33 U.S.C. 1342(p) and 40 CFR 122.26, to obtain a National Pollutant Discharge Elimination System (NPDES) permit through the Tennessee Department of Environment and Conversation (TDEC) to reduce stormwater flows and associated pollutants discharged into waterways through Hamblen County's stormwater system and drainage ways; and

WHEREAS, the NPDES permit requires Hamblen County to impose controls on future and existing development necessary to reduce the discharge of pollutants in stormwater to the maximum reasonable extent using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants; now therefore

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF HAMBLEN COUNTY, TENNESSEE THAT:**

The Erosion and Sediment Control Resolution shall read as follows:

Section I. Introduction/ Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in Hamblen County. This resolution will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Hamblen County.

Section II. Definitions

Clearing - Any activity that removes the vegetative surface cover.

Drainage Way - Any channel that conveys surface runoff throughout the site.

Erosion Control - A measure that prevents erosion.

Erosion and Sediment Control Plan- A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Responsible Party - A person who has received training and is competent to inspect and maintain erosion and sediment control practices.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit - A permit issued by the state or county for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse - Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by Hamblen County.

Waterway - A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Permits

A. No person shall be granted a local site development permit for land-disturbing activity that would require the uncovering of *one acre or more* without first receiving the approval and obtaining the necessary permit as required by the State of Tennessee and the submission of an Erosion and Sediment Control Plan to the

Hamblen County Planning Commission for approval, if required. Project developments of less than one acre of land disturbance are required to obtain authorization under this permit if the construction activities at the site are part of a larger common plan of development or sale that is at least one acre in size. Projects or developments of less than one acre of total land disturbance may also be required to obtain authorization under this permit if:

1. The storm water discharge from the site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
 2. The storm water discharge is, or is likely to be a significant contributor of pollutants to waters of the state, or
 3. Changes in state or federal rules require sites of less than one acre to obtain a storm water permit.
- B. No site development permit is required for the following activities:
1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by any and all required Stormwater Management and filing fees.
- D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that the responsible party shall be on site on all days when construction or grading activity takes place.
- E. The applicant will be required to file with Hamblen County a faithful performance bond or other improvement security in an amount deemed sufficient by the Hamblen County Planning Commission to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by Hamblen County, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Section IV. Review and Approval

A. The Hamblen County Planning Director will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, Hamblen County Planning Director shall, in writing:

1. Approve the permit application;

2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B. Failure of the Hamblen County Planning Director to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and Hamblen County Planning Director. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with state permitted regulations and conditions established by the Tennessee Erosion and Sediment Control Handbook published by the Tennessee Department of Environment and Conservation.

Section V. Erosion and Sediment Control Plan

A. The Erosion and Sediment Control Plan map should be at a scale no smaller than 1" = 100' and shall include the following:

1. A natural resources map identifying soils, forest cover, and resources protected under federal, state and local laws and regulations.
2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by the Hamblen County Planning Commission through its director by written authorization to the permittee, and shall include:

1. Major amendments of the erosion and sediment control plan submitted to Hamblen County Planning Commission through its director.
2. Field modifications of a minor nature.

Section VI. Design Requirements

A. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the *Tennessee Erosion and Sediment Control Handbook* published by the Tennessee Department of Environment and Conservation, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of Hamblen County Planning Commission through its director. Cut and fill slopes shall be *no greater than 2:1*, except as approved by Hamblen County Planning Commission through its director to meet other community or environmental objectives.

B. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all federal, state and local laws and regulations. Clearing techniques that retain natural vegetation and drainage patterns, as described in the *Tennessee Erosion and Sediment Control Handbook* published by the Tennessee Department of Environment and Conservation, shall be used to the satisfaction of Hamblen County Planning Commission through its director.

C. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

D. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by Hamblen County Planning Commission through its director.

E. Erosion control requirements shall include the following:

1. Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
2. If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or the Hamblen County Planning Commission through its director may require the site to be reseeded or a non-vegetative option employed.
3. Special techniques that meet the design criteria outlined in (*Tennessee Erosion and Sediment Control Handbook*) on steep slopes or in drainage ways shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized or covered at the end of each workday.
5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
7. Techniques that divert upland runoff past disturbed slopes shall be employed.

F. Sediment control requirements shall include:

1. Settling basins, sediment traps, or tanks and perimeter controls.
2. Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by Hamblen County Planning Commission through its director.
3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

G. Waterway and watercourse protection requirements shall include:

1. temporary stream crossing installed and approved by the Tennessee Department of Environment and Conservation if a wet watercourse will be crossed regularly during construction.
2. Stabilization of the watercourse channel before, during, and after any in-channel work.
3. All on-site stormwater conveyance channels designed according to the criteria outlined in the Tennessee Erosion and Sediment Control Handbook published by the Tennessee Department of Environment and Conservation.
4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

H. Construction site access requirements shall include:

1. a temporary access road provided at all sites as approved by the Director of Planning or
2. other measures required by Hamblen County Planning Commission through its director in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Section VII. Inspection

A. Hamblen County Planning Commission through its director or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Hamblen County Planning Commission through its director shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Hamblen County Planning Commission through its director least two working days before the following:

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site clearing.
4. Completion of rough grading.
5. Completion of final grading.
6. Close of the construction season.
7. Completion of final landscaping.

B. The Hamblen County Planning Commission through its director or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the compliance with this resolution.

Section VIII. Enforcement

A. Stop-Work Order; Revocation of Permit

In the event that any person holding a site development permit pursuant to this resolution violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Hamblen County Planning Commission through its director may suspend or revoke the site development permit.

B. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this resolution. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or cause the same to be done, contrary to

or in violation of the terms of this Resolution. The Hamblen County Planning Commission and the Hamblen County Director of Planning are authorized and empowered to enforce the requirements of this resolution in accordance with the procedures set out in Tennessee Code Annotated 68-221-1106 or T.C.A. 5-1-121, the terms of which are incorporated herein by reference. Any person who violates the provisions of any resolution regulating storm water discharges or facilities shall be subject to a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of violations. Each day of violation may constitute a separate violation.

Section IX. Conflict with Other Regulations

Where the standards and management requirements of this resolution are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply.

Section X. Separability

The provisions and sections of this resolution shall be deemed to be separable, and the invalidity of any portion of this resolution shall not affect the validity of the remainder.

Section XI. Remedies Not Exclusive.

The remedies listed in this resolution are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section XII. Adoption of Resolution.

effective upon PASSAGE

This resolution shall be in full force and ~~effect 30 days~~ after its final passage and adoption by the Hamblen County Board of Commissioners. All prior resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

WHEREFORE, it was moved by _____ and seconded by _____ that this Resolution be adopted.

Voting Aye: _____

Voting Nay: _____

Pass: _____

The Chair declared the resolution adopted this 18th day of August, 2005.

By: *Joe Spone*
Chairman

Attest:

Linda Wilder
County Clerk

Approved *8/19/05*
Daine W. Tucker
County Mayor

MEADOWOOD SUBDIVISION ANNEXATION

Motion by Nancy Phillips, seconded by Tom Lowe to send a letter to the City of Morristown opposing annexation of the Meadowood Subdivision on behalf of the petitioners from this subdivision.

Voting for: all

RESOLUTION-ILLEGAL ALIENS

Motion by Nancy Phillips, seconded by Tom Lowe to approve sending a resolution requesting reimbursement from the Federal Government for costs associated with illegal aliens.

Motion by Edwin Osborne, seconded by Dennis Alvis to table the above motion.

Voting for the table
Dennis Alvis
Maudie Briggs
Ricky Bruce
Doyle Fullington
Donald Gray
Herbert Harville
Edwin Osborne
Joe Spooone

Voting against the table
Larry Baker
Guy Collins
Tom Lowe
Linda Noe
Nancy Phillips
Bobby Reinhardt

Motion by Larry Baker, seconded by Linda Noe to send a letter to the Senators and Congressmen for Hamblen County requesting the strict enforcement of the immigration laws and to close the borders to illegal aliens.

Voting for: all

Motion by Nancy Phillips, seconded by Linda Noe to add to the agenda the vote to rezone the Dollar General Store.

Motion by Doyle Fullington, seconded by Herbert Harville to table the above motion.

The motion to table carries.

Edwin Osborne requested that the letter from Comcast Cable Communications assuring the continuation of airing the commission meetings be placed in the minutes.



Comcast Cable Communications, Inc.
5720 Asheville Highway
Knoxville, TN 37924
Tel: 865.971.1544
Fax: 865.862.5092

July 12, 2005

Mr. David Purkey, Mayor
Hamblen County
511 W. Second North Street
Morristown, Tennessee 37814

Re: Transfer Resolution

Dear Mr. Purkey,

I wish to take this opportunity to thank you and the Hamblen County Commission for approving the transfer of the cable television franchise to Comcast at your last Commission meeting. We appreciate the Commission's action in this regard and look forward to providing cable television services to your community once the transaction is completed.

While considering the Transfer Resolution, a question was asked about the continuation of airing Commission meetings on the local cable system. Please be assured that Comcast will continue Adelphia's on-going practice of airing taped Commission meetings on the cable system as a public service to your community.

Thank you again for your approval of the transfer. Should you have any questions, please call me at 865-862-5001.

Sincerely,

Russell Byrd
Director, Government Affairs

CC: Frank P. "Rusty" Cantwell, Jr.
Douglas Well, Senior Director of Regulatory Affairs

To Public Service
Committee in P
for their

RESOLUTION-JAIL POPULATION

Motion by Nancy Phillips, seconded by Tom Lowe to approve the following resolution.

**RESOLUTION BY HAMBLLEN COUNTY, TENNESSEE
TO REQUEST LEGISLATION CONCERNING COUNTY JAIL POPULATIONS**

WHEREAS, the Hamblen County Jail was recently decertified by the State of Tennessee Department of Corrections due to the inmate population exceeding the level of inmates for which the jail was certified; and

WHEREAS, a substantial number of inmates are non U. S. citizens who have been arrested for other crimes and who remain incarcerated pending their deportation; and

WHEREAS, Hamblen County has no legal authority or jurisdiction to deal with immigration issues, said issues being federal in nature; and

WHEREAS, the costs to Hamblen County as a result of the incarceration of such non U. S. citizens is substantial; and

WHEREAS, the State of Tennessee includes non U. S. citizens in its count of the inmate population allowed to be housed in a county jail; and

WHEREAS, the Hamblen County Board of Commissioners feels it is unfair to penalize Hamblen County or any other county in the certification process by counting such non U. S. citizens;

NOW, THEREFORE, BE IT RESOLVED by the Hamblen County Board of Commissioners meeting in regular session on the 18th day of August, 2005, that the Hamblen County Board of Commissioners requests that State Representative John Litz and State Senator Steve Southerland introduce legislation in the next session of the Tennessee General Assembly which would provide that non U. S. citizens incarcerated in county jails are not to be counted in the county jail population for purposes of meeting certification by the Tennessee Department of Corrections.

WHEREFORE, it was moved by Nancy Phillips and seconded by Tom Lowe that this Resolution be adopted and that it be effective upon its passage by the Hamblen County Board of Commissioners.

Voting:

Aye: Dennis Alvis, Larry Baker, Maudie Briggs, Ricky Bruce, Guy Collins,
Doyle Fullington, Donald Gray, Herbert Harville, Tom Lowe, Linda Noe,
Edwin Osborne, Nancy Phillips, Bobby Reinhardt, and Joe Spooone

Nay: None

Pass: None

The Chair declared the resolution adopted this 18th day of August, 2005.

Hamblen County Board of Commissioners

By: Joe Spone
Joe Spone, Chairman

APPROVED:

Daniel W. Furber
Hamblen County Mayor

ATTEST:

By: Linda Wilder
Hamblen County Clerk

JAIL-SECOND FLOOR ANNEX

Motion by Nancy Phillips, seconded by Tom Lowe that the second floor of the jail annex be finished without delay to alleviate overcrowding in the jail, with the funding to come from a short-term note from the Debt Service Fund, and that Architect Joe Previtera be utilized to assist with the construction process, and also that the Jail Study Committee proceed forward with other ideas to address jail overcrowding.

Voting for		Voting against
Dennis Alvis	Herbert Harville	None
Larry Baker	Tom Lowe	
Maudie Briggs	Linda Noe	
Ricky Bruce	Edwin Osborne	
Guy Collins	Nancy Phillips	
Doyle Fullington	Bobby Reinhardt	
Donald Gray	Joe Spoone	

COURTHOUSE ADDITION REPORT

Motion by Herbert Harville, seconded by Larry Baker to accept the Courthouse Addition Construction Project report.

Voting for: all

Hamblen County Courthouse Addition Construction Project

Revenue/Expense Report

Revenues:

Bond Proceeds	\$ 2,500,000
Capital Improvement Fund/ Health Dept	94,324
General Fund/Other Charges Data Processing	50,000
EMA/E911	16,339
Interest Earned	<u>11,162</u>
Total Revenues	\$ 2,671,825

Expenditures:

Construction	\$ 1,856,118
Architect/Engineering	152,517
Computer Equipment/Design	312,623
Furnishings	265,109
Mapping	48,154
Landscaping	15,676
Miscellaneous*	<u>21,628</u>
Total Expenditures	\$ 2,671,825

***Includes:**

Alarm System	\$9,280.00
Delmur Vaughn	4,832.00
House Removal	4,750.00
Tree Removal	1,300.00
Telephone Svc	890.00
Legal Fees	400.00
Office Supplies	99.00
Bid Advertising	77.00

3/2/01

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF TWO PAGES

TO (OWNER) Hamblen County
511 W. Second North Street
Morristown, TN 37814

PROJECT: Addition to Hamblen County Courthouse

APPLICATION NO.: 11

DISTRIBUTION TO:

PERIOD TO: 08/29/2000

___ OWNER

ARCHITECT'S

___ ARCHITECT

PROJECT NO. 0018

___ CONTRACTOR

FROM (CONSTRUCTION MANAGER):
WILD BUILDING CONTRACTORS, INC.
5524 WEST ANDREW JOHNSON HIGHWAY
MORRISTOWN, TENNESSEE 37814

VIA (ARCHITECT):

Hutchins Associates, P.C.
4625 Newcom Avenue
Knoxville, TN 37919

CONTRACT FOR: \$1,717,445.001

CONTRACT DATE: 20 August 1999

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders Approved in previous months by Owner			
TOTAL			
Approved This Month			
Number	Date Approved		
1	09/23/99	\$4,281.00	
2	01/25/2000	\$50,349.05	
3	05-09-2000	\$50,479.14	
4	09/08/2000	\$29,548.70	
TOTALS		\$134,657.89	\$0.00
Net Change by Change Orders		\$134,657.89	\$134,657.89

1. ORIGINAL CONTRACT SUM.....	\$1,717,445.00
2. Net change by Change Orders.....	\$134,657.89
3. CONTRACT SUM TO DATE (Line 1+/-2).....	\$1,852,102.89
4. TOTAL COMPLETED & STORED TO DATE..... (COLUMN D+E ON G703)	\$1,852,102.89
5. RETAINAGE:	
a. 5% of Completed Work.....	\$0.00
(Column D+E on G703)	
b. 5% of Stored Materials.....	\$0.00
(Column F on G703)	
Total Retainage (Line 5a+5b or Total in Column I of G703).....	\$0.00
6. TOTAL EARNED LESS RETAINAGE..... (LINE 4 LESS LINE 5 TOTAL)	\$1,852,102.89
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate).....	\$1,731,426.48
8. CURRENT PAYMENT DUE.....	\$120,676.41
9. BALANCE TO FINISH, PLUS RETAINAGE..... (Line 3 less Line 6)	\$0.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: WILD BUILDING CONTRACTORS, INC.

BY: Tim Wild



DATE:

12/01/2000

State of: TENNESSEE County of: HAMBLEN
Subscribed and sworn to before me this 1st day of December, 2000

Notary Public:

My Commission expires:

Carrie W. Aichly

27-OCTOBER-2001

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

(Attach explanation if amount certified differs from the amount applied for)

ARCHITECT: Hutchins Associates, P.C.

By:



Date:

12/1/00

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

G702

CHANGE ORDER

AIA DOCUMENT G701

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

PROJECT: Hamblen County Courthouse Addition
 (name, address) 511 W. Second N. Street
 Morristown, Tennessee 37914

TO CONTRACTOR: Wild Building Contractors, Inc.
 (name, address) 5524 W. Andrew Johnson Hwy
 Morristown, Tennessee 37914

CHANGE ORDER NUMBER: 01
 DATE: September 23, 1999
 ARCHITECT'S PROJECT NO: 9818
 CONTRACT DATE: September 1, 1999
 CONTRACT FOR: Construction of Courthouse Addition

The Contract is changed as follows:

1. Repair of bad soil at new parking area = \$3,590.00
2. Add second backflow preventer = 691.00

\$4,281.00 Increase in Contract Amount
 (See attached supporting data)

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (~~Guaranteed Maximum Price~~) was \$ 1,717,445.00
 Net change by previously authorized Change Orders \$ 0.00
 The (Contract Sum) (~~Guaranteed Maximum Price~~) prior to this Change Order was \$ 1,717,445.00
 The (Contract Sum) (~~Guaranteed Maximum Price~~) will be (increased) (~~decreased~~)
 (~~unchanged~~) by this Change Order in the amount of \$ 4,281.00
 The new (Contract Sum) (~~Guaranteed Maximum Price~~) including this Change Order will be .. \$ 1,721,726.00

The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by (0) days.
 The date of Substantial Completion as of the date of this Change Order therefore is May 27, 2000

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

<p><u>Hutchins Associates, P.C.</u> ARCHITECT <u>4625 Newcom Avenue</u> Address <u>Knoxville, TN 37919</u></p>	<p><u>Wild Building Contractors, Inc.</u> CONTRACTOR <u>5524 W. Andrew Johnson Hwy.</u> Address <u>Morristown, TN 37814</u></p>	<p><u>Hamblen County</u> OWNER <u>511 W. Second N. Street</u> Address <u>Morristown, TN 37814</u></p>
<p>BY <u>[Signature]</u> DATE <u>9/23/99</u></p>	<p>BY <u>[Signature]</u> DATE <u>9-27-99</u></p>	<p>BY <u>[Signature]</u> CE DATE <u>10/4/99</u></p>



CAUTION: You should sign an original AIA document which has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced.

ORDER

AIA DOCUMENT G701

ARCHITECT
CONTRACTOR
FIELD
OTHER

PROJECT: Hamblen County Courthouse Addition CHANGE ORDER NUMBER: 02
(name, address) 511 W. Second N. Street DATE: January 25, 2000
Morristown, Tennessee 37914
TO CONTRACTOR: Wild Building Contractors, Inc. ARCHITECT'S PROJECT NO: 9818
(name, address) 5524 W. Andrew Johnson Hwy CONTRACT DATE: September 1, 1999
Morristown, Tennessee 37914 CONTRACT FOR: Construction of Courthouse Addition

The Contract is changed as follows:

- 1. Clerk's Office Counter Mods \$ 444.70
2. County Executive Door Mod 720.15
3. EMA System Upgrade 14,339.20
4. Other Electrical Outlets, Computer Outlets, CATV Cable, Cat 6 Data Network, 4" Underground Conduit 34,845.00
\$50,349.05 Increase in Contract Amount (See attached supporting data)

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was \$ 1,717,445.00
Net change by previously authorized Change Orders \$ 4,281.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was \$ 1,721,726.00
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased)
- (unchanged) by this Change Order in the amount of \$ 50,349.05
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be \$ 1,772,075.00

The Contract Time will be (increased) (decreased) (unchanged) by (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is May 27, 2000

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Hutchins Associates Wilding Building Contractors Hamblen County
ARCHITECT CONTRACTOR OWNER
4625 Newcom Avenue 5524 W. Andrew Johnson Hwy 511 W. Second N. Street
Address Address Address
Knoxville, Tennessee 37919 Morrystown, Tennessee 37814 Morrystown, Tennessee 37814
BY [Signature] BY BY
DATE 1/25/00 DATE DATE



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CHANGE ORDER
AIA DOCUMENT G701

OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER

PROJECT: Hamblen County Courthouse Addition CHANGE ORDER NUMBER: 03
(name, address) 511 W. Second N. Street
Morristown, Tennessee 37914 DATE: May 9, 2000

TO CONTRACTOR: Wild Building Contractors, Inc. ARCHITECT'S PROJECT NO: 9818
(name, address) 5524 W. Andrew Johnson Hwy
Morristown, Tennessee 37914 CONTRACT DATE: September 1, 1999

CONTRACT FOR: Construction of Courthouse Addition

The Contract is changed as follows:

1. Electrical	\$22,285.60	
2. Plumbing	6,877.49	
3. Signage	20,419.21	
4. Plaque	896.84	
	\$50,479.14	Increase in Contract Amount (See attached supporting data)

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (~~Guaranteed Maximum Price~~) was \$ 1,717,445.00
 Net change by previously authorized Change Orders \$ 54,630.05
 The (Contract Sum) (~~Guaranteed Maximum Price~~) prior to this Change Order was \$ 1,772,075.05
 The (Contract Sum) (~~Guaranteed Maximum Price~~) will be (increased) (~~decreased~~)
 (~~unchanged~~) by this Change Order in the amount of \$ 50,479.14
 The new (Contract Sum) (~~Guaranteed Maximum Price~~) including this Change Order will be ... \$ 1,822,554.19

The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by (0) days.
 The date of Substantial Completion as of the date of this Change Order therefore is May 27, 2000

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

<u>Hutchins Associates</u> ARCHITECT 4625 Newcom Avenue Address Knoxville, Tennessee 37919	<u>Wilding Building Contractors</u> CONTRACTOR 5524 W. Andrew Johnson Hwy Address Morristown, Tennessee 37814	<u>Hamblen County</u> OWNER 511 W. Second N. Street Address Morristown, Tennessee 37914
BY <u>[Signature]</u> DATE <u>5/9/00</u>	BY <u>[Signature]</u> DATE <u>5-10-99</u>	BY <u>[Signature]</u> DATE <u>5-18-00</u>



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CHANGE ORDER

AIA DOCUMENT G701

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

PROJECT: Hamblen County Courthouse Addition CHANGE ORDER NUMBER: 04
 (name, address) 511 W. Second N. Street
 Morristown, Tennessee 37914 DATE: September 8, 2000
 TO CONTRACTOR: Wild Building Contractors, Inc. ARCHITECT'S PROJECT NO: 9818
 (name, address) 5524 W. Andrew Johnson Hwy
 Morristown, Tennessee 37914 CONTRACT DATE: September 1, 1999
 CONTRACT FOR: Construction of Courthouse Addition

The Contract is changed as follows:

Alterations to Vaughn Property:

1. Grading/Paving	\$18,295.47	
2. Power Relocation	1,167.25	
3. Add Retaining Wall	<u>10,085.98</u>	
	\$29,548.70	Increase in Contract Amount (See attached supporting data)

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (~~Guaranteed Maximum Price~~) was \$ 1,717,445.00
 Net change by previously authorized Change Orders \$ 105,109.19
 The (Contract Sum) (~~Guaranteed Maximum Price~~) prior to this Change Order was \$ 1,822,554.19
 The (Contract Sum) (~~Guaranteed Maximum Price~~) will be (increased) (~~decreased~~)
 (~~unchanged~~) by this Change Order in the amount of \$ 29,548.70
 The new (Contract Sum) (~~Guaranteed Maximum Price~~) including this Change Order will be \$ 1,852,102.89

The Contract Time will be (increased) (~~decreased~~) (~~unchanged~~) by 79 days.
 The date of Substantial Completion as of the date of this Change Order therefore is August 14, 2000

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by construction Change Directive.

Hutchins Associates	Wilding Building Contractors	Hamblen County
ARCHITECT	CONTRACTOR	OWNER
4625 Newcom Avenue	5524 W. Andrew Johnson Hwy	511 W. Second N. Street
Address	Address	Address
Knoxville, Tennessee 37919	Morristown, Tennessee 37814	Morristown, Tennessee 37814
BY <i>[Signature]</i>	BY <i>[Signature]</i>	BY <i>[Signature]</i> CE
DATE 9/8/00	DATE 9-20-00	DATE 9-26-00



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RUSSELLVILLE SEWER GRANT REPORT

Motion by Herbert Harville, seconded by Guy Collins to accept the Russellville Sewer Grant report as presented.

Voting for: all

Hamblen County Government
Summary of Russellville Sewer Grant

	<u>Revised Line Item Budget</u>		<u>Contract with:</u>	<u>Approved Contract Amount:</u>
	<u>Total Cost</u>	<u>CDBG Costs</u>		
Construction	\$ 495,926.15	\$ 397,480.00	Merkel Brothers	\$ 495,926.15
Construction Inspection	24,000.00	18,960.00	Hatfield & Allen	24,000.00
Engineering Design	39,000.00	30,810.00	Hatfield & Allen	39,000.00
Other Engineering Services	5,000.00	3,950.00	Hatfield & Allen	5,000.00
Administration	36,000.00	28,800.00	Public Systems	38,700.00
Environmental Review	1,500.00	0.00	Public Systems	0.00
	<u>\$ 601,426.15</u>	<u>\$ 480,000.00</u>		<u>\$ 602,626.15</u>
<u>Revenues:</u>			<u>Contract</u>	<u>Difference</u>
Revenues FY 2002/2003		\$ 35,438.00		
Revenues FY 2003/2004		356,313.89		
Revenues FY 2004/2005		87,608.11		
Total Grant monies received to date:		<u>\$ 479,360.00</u>	\$ 480,000.00	\$ (640.00)
<u>Expenditures:</u>				
Merkel Brothers		\$ 495,926.15	\$ 495,926.15	\$ -
Public Systems		36,700.20	38,700.00	(1,999.80)
Hatfield & Allen		68,775.00	68,000.00	775.00
Other Incidentals (Not listed on resolution)				
Advertising	472.74		-	-
Legal	485.00		-	-
Permits	946.00	1,903.74	-	1,903.74
Total Expenditures to date:		<u>\$ 603,305.09</u>	<u>\$ 602,626.15</u>	<u>\$ 678.94</u>
County Match		\$ 123,945.09		
(difference between grant & expenditures):				
Difference between Line item budget & expenditures				
(\$123,945.09 - 121,426.15)		\$ 2,518.94		
County Match not counting Incidentals:		\$ 122,041.35		
(difference between grant & expenditures):				
(\$123,945.09 - 1,903.74)				
Difference between Line item budget & expenditures not counting Incidentals:				
(\$122,041.35 - 121,426.15)		\$ 615.20		

Motion by Doyle Fullington, seconded by Guy Collins to ask the Sheriff's Department and Police Department to issue fines to people who are driving illegally on antique license plates.

Voting for: all

THEREUPON, MEETING ADJOURNED AT 6:50 P.M.