

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

August 19, 2004

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 July 22, 2004 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Joe Spoons presiding.

The Legislative Body Session was opened by Sheriff Otto Purkey.

Invocation was given by Commissioner Dennis Alvis.

The Pledge of Allegiance was led by Commissioner 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 Spoons

MINUTES APPROVAL

Motion by Larry Baker, seconded by Guy Collins to approve the minutes of the previous meeting.

Voting for: all Voting against: none

NOTARIES AND BONDSMEN

Motion by Guy Collins, seconded by Nancy Phillips to approve the following notaries and their bondsmen.

Voting for: all Voting against: none

COUNTY ATTORNEY APPOINTMENT

Motion by Guy Collins, seconded by Herbert Harville to appoint Frank Cantwell Jr. to serve a one year term as county attorney.

Motion by Guy Collins, seconded by Maudie Briggs that nomination cease and Frank Cantwell Jr. be elected by acclamation.

Motion by Linda Noe, seconded by Tom Lowe to table the above motion.

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

Motion to appoint Frank Cantwell Jr. as county attorney for a one year term **passes.**

REZONING REQUESTS

RESOLUTION

**A RESOLUTION TO AMEND THE ZONING MAP OF
HAMBLÉN COUNTY, TENNESSEE BY REZONING
PART OF PARCEL 017.00, TAX MAP 020, DISTRICT 4
LOT 1 – HAYES PROPERTY,
IRVIN CHAPEL RD – WHITESBURG, TN
FROM A-1 TO C-1**

WHEREAS, The Hamblen County Planning Commission heard the request to amend the Hamblen County Zoning Map from A-1 to C-1 on Tax Map 020, Part of Parcel 017.00, Lot 1 – Hayes Property located outside the Urban Growth Area and owned by Mr and Mrs Timothy Hayes;

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

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

Motion was made by Larry Baker

Seconded by Tom Lowe

Voting For:

Dennis Alvis
Larry Baker
Maudie Briggs
Ricky Bruce
Guy Collins
Doyle Fullington
Donald Gray

ATTEST:



Hamblen County Clerk

Voting Against:

Herbert Hárville
Tom Lowe
Linda Noe
Edwin Osborne
Nancy Phillips
Bobby Reinhardt
Joe Spooone

NONE

AUTHENTICATED:



Hamblen County Mayor

DATE:

7/23/04

RESOLUTION

**A RESOLUTION TO AMEND THE ZONING MAP OF
HAMBLÉN COUNTY, TENNESSEE BY REZONING
PART OF PARCEL 018.00, TAX MAP 047, DISTRICT 2
HORNER PROPERTY-DIVISION OF LOT 1,
GUINN RD – TALBOTT, TN
FROM R-1 TO A-1**

WHEREAS, The Hamblen County Planning Commission heard the request to amend the Hamblen County Zoning Map from R-1 to A-1 on Tax Map 047, Part of Parcel 018.00, Horner Property – Division of Lot 1 located outside the Urban Growth Area and owned by Mr and Mrs James S. Horner;

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

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

Motion was made by Tom Lowe

Seconded by Herbert Harville

Voting For:

Dennis Alvis
Larry Baker
Maudie Briggs
Ricky Bruce
Guy Collins
Doyle Fullington
Donald Gray

ATTEST:



Hamblen County Clerk

AUTHENTICATED:



Hamblen County Mayor

Voting Against:

Herbert Harville
Tom Lowe
Linda Noe
Edwin Osborne
Nancy Phillips
Bobby Reinhardt
Joe Spooone

NONE

DATE:

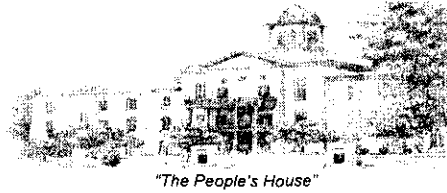
7/23/04

BUDGET AMENDMENT-ARCHIVES

Motion by Edwin Osborne, seconded by Guy Collins to approve the following budget amendment.

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	

Hamblen County Commission
Finance Committee



Month JULY Year 2004

Budget Amendment* Reallocation** (please X one)

Fund 101

DEPARTMENT: ARCHIVES

Account Number	Description	Debit	Credit
58400.599.00.000.5191	Archives	110.00	
48610.000.00.000.5191	Donations - Archives		110.00

Brief Descriptions of issue:
Donations submitted to Archives.

Signature: Nicole Epps, CPA
 Title: Finance Director
 Date: 7/7/04

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

*Amendment is to add to a line item from unappropriated
 **Reallocation is to rearrange monies with in the department

PROCEDURES FOR BID OPENINGS

Motion by Edwin Osborne, seconded by Guy Collins to accept the following procedures for bid openings.

Voting for: all

Voting against: none

H a m b l e n C o u n t y G o v e r n m e n t P U R C H A S I N G D I V I S I O N

PROCEDURES FOR BID OPENINGS

Purchases made in excess of \$5,000 MUST meet the following requirements:

1. MUST have newspaper notice that includes:
 - a. Name of Product(s) and/or Service(s) being bid
 - b. Availability of bid packet information (i.e., location to pick up bid information, location to address questions)
 - c. Date/Time/Location for bids to be submitted to the Purchasing Director
 - d. Date/Time/Location of public bid opening held by the Purchasing Director
 - e. Newspaper notice must identify that :

"Hamblen County Government reserves the right to accept or reject any and/or all bids or parts of bids when doing so serves the best interest of Hamblen County Government".

2. Bids will be opened at the date and time specified by the Purchasing Director in the bid advertisement.
3. The Purchasing Director will be present a bid analysis to the Finance Committee* for their consideration and award.

**The Finance Committee will serve as the Purchasing Committee for Hamblen County Government.*

4. The Finance Committee will, in the course of their regular Committee Report to the full Hamblen County Legislative Body, submit their recommendation for award.
5. Purchases will occur after final approval has been given by the Hamblen County Legislative Body.

**INTER-LOCAL AGREEMENT FOR PURCHASING AND
PROCUREMENT**

Motion by Edwin Osborne, seconded by Tom Lowe to approve the following inter-local agreement for purchasing and procurement.

Voting for: all

Voting against: none

**INTERLOCAL AGREEMENT
FOR PURCHASING AND PROCUREMENT**

THIS INTERLOCAL AGREEMENT entered into this — day of _____, 2004, by and among **HAMBLÉN COUNTY**, a political subdivision of the State of Tennessee and hereinafter referred to as "**County**," the **CITY OF MORRISTOWN**, a Tennessee municipality, hereinafter referred to as "**City**," and the **HAMBLÉN COUNTY BOARD OF EDUCATION**, a legal entity created pursuant to *Tennessee Code Annotated* §§ 49-2-201 et seq. and hereinafter referred to as the "**Board**."

W I T N E S S E T H:

WHEREAS, each of the County, City and Board is authorized and empowered by various Tennessee statutes to purchase supplies, equipment and services for the purpose of carrying out their duties and obligations and the conduct of their business; and

WHEREAS, *Tennessee Code Annotated* §§ 12-9-101 et seq., entitled the "Interlocal Cooperation Act" allows public agencies of this State to enter into interlocal agreements which allow local governmental units to exercise the most efficient use of their powers; and

WHEREAS, *T.C.A.* § 12-3-1004 specifically provides, in part, as follows:

(a) Any municipality, county, utility district, or other local governmental unit of the state may, upon request, purchase supplies, equipment, and services for any other municipality, county, utility district, or other local governmental unit . . . ; and

WHEREAS, *T.C.A.* § 12-3-1009 provides in its entirety, as follows:

Cooperative purchasing agreements. — Any municipality, county, utility district, or other local government of the state may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any supplies, services or construction with one (1) or more other local governments in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to,

joint or multi-party contracts between local governments. Where the participants in a joint or multi-party contract are required to advertise and receive bids, it shall be sufficient for those purposes that the purchasing entity comply only with its own purchasing requirements.

WHEREAS, each of the County, City, and Board desires to enter into an agreement whereby each may, under certain circumstances, purchase supplies, equipment, and services under the terms of a contract entered into by one of these three (3) governmental entities in order to eliminate the need for duplicating costly and time-consuming bidding procedures; and

WHEREAS, the parties hereto desire to enter into this Interlocal Agreement and reduce it to writing; **NOW**

THEREFORE, IN CONSIDERATION OF THE ABOVE-STATED PREMISES, the County, City and Board hereby agree as follows:

1. It is hereby agreed by and among the parties hereto that each of the parties may, upon request, purchase supplies and equipment or procure construction or services for each of the other parties.
2. The purchases and/or procurements shall be made on the same terms and under the same rules and regulations as regular purchases and/or procurements of the purchasing entity.
3. The cost of the purchase and/or procurement shall be borne by the party hereto for which the purchase was made.
4. Where the party hereto making the request is required to advertise and receive bids, it shall be sufficient for those purposes that the purchasing entity comply only with its own purchasing requirements.
5. This Interlocal Agreement shall exist for a period of one year commencing on the date hereinabove set out and shall be automatically renewed for successive one (1) year periods unless terminated by at least two (2) of the parties hereto; provided; however, that if one party wishes to withdraw from this Agreement, it shall be permitted to do so by providing the other two parties sixty (60) days prior written notice. In such case, the two remaining parties shall continue under the terms herein set out.

6. The purpose of this Interlocal Agreement is to allow each of the parties hereto to benefit from the prior bidding and contractual relationships each of the parties hereto has established regarding the purchase of various supplies and equipment and the procurement of construction or services.

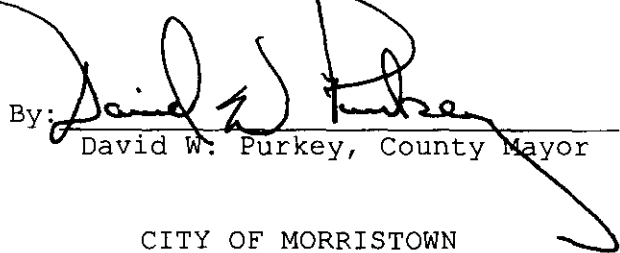
7. Each party for whom any purchase or procurement was made shall bear all the expenses of such purchase or procurement made hereunder.

8. Each of the parties hereto is a separate legal entity for the purposes of this Agreement, and it is anticipated that the parties hereto will acquire no jointly owned property.

9. Each party hereto agrees to cooperate with the other parties hereto to ensure that purchases and/or procurements are timely made and paid for.

THIS AGREEMENT entered into in triplicate this day and date first written above.

HAMBLEN COUNTY, TENNESSEE

By: 
David W. Purkey, County Mayor

CITY OF MORRISTOWN

By: _____
Gary Johnson, City Mayor

HAMBLEN COUNTY BOARD
OF EDUCATION

By: _____
Dale Lynch, Director

LIBRARY BOARD APPOINTMENTS

Motion by Doyle Fullington, seconded by Edwin Osborne to accept the recommendation to appoint Nancy Burnett to replace Hamblen County Library Board member Leona Tilson whose second term representing the County will end in 2004. Leona Tilson to fill the remaining unexpired term of Nancy Burnett as Regional Library Board Member representing the County. The unexpired term started in 2003 and will end in 2006.

Voting for: all Voting against: none

TENNESSEE DRUGFREE WORKPLACE

Motion by Doyle Fullington, seconded by Dennis Alvis to adopt the guidelines for Tennessee Drugfree Workplace.

Voting for: all Voting against:

The County picnic will be held on Friday September 17, 2004 at Cherokee Park beginning at 4:00 p.m.

CONTRACT-GOODWILL INDUSTRIES

Motion by Nancy Phillips, seconded by Dennis Alvis to treat the recycling contract with Goodwill Industries as a sole source contract, and not to place the contract out to bid.

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

ROAD PAVING INQUIRY-DAISY ROGERS

Motion by Nancy Phillips, seconded by Bobby Reinhardt To handle concerns on road paving on a case by case basis, and that if complaints are registered, that garbage trucks not be taken down private driveways.

Voting for: all Voting against: none

DOG ISSUE-DAVID HODGE

Motion by Nancy Phillips, seconded by Linda Noe that Nancy Phillips, chairman of the Public Services Committee, issue a letter to Mr. David Hodge addressing the dog issue he presented to the Hamblen County Legislative Body.

Voting for: all Voting against: none

RESOLUTION-TOBACCO FARMERS

Motion by Nancy Phillips, seconded by Larry Baker to approve the following resolution as presented by State Representative John Litz.

Voting for: all Voting against: none

**A Resolution Supporting the Passage of Federal Legislation allowing
Sales Tax to be Deductible from the Federal Income Tax
and to allow for a Buyout of Tobacco Farmers.**

Resolution No. _____

WHEREAS, legislation is pending in the United States House of Representatives and the United States Senate which is of great importance to every Tennessean; and

WHEREAS, Tennesseans pay one of the highest sales tax rates in the United States; and

WHEREAS, passage of federal legislation in 1986 eliminated the ability of Tennesseans to deduct the sales tax from the Federal Income Tax; and

WHEREAS, this legislation will restore the deductibility of the State sales tax to the Internal Revenue Tax Code and will provide a Federal buyout of those farmers choosing to exit the archaic quota system presently controlling the growth and production of tobacco; and

WHEREAS, tobacco has traditionally been one of Tennessee's top commodities, swapping places with soybeans and cotton as the state's number one cash crop over the years; and

WHEREAS, U.S. tobacco growth and manufacture have been regulated by a quota system for 60 years. Initially, the quota system worked to stabilize tobacco prices and prevent monopolization of the industry. But the system has served its purpose and now is hurting tobacco farmers, the very people it was designed to protect, and

WHEREAS, passage of this legislation is critical for all Tennesseans regardless of their occupation and returning tobacco production to the free market system without burdening it with additional federal regulators, such as the FDA, is critical to this state's economy,

NOW, THEREFORE, BE IT RESOLVED by the County Legislative Body of Hamble County, Tennessee, meeting in called session at Marristown, Tennessee, on the 22 day of July, 2004, that:

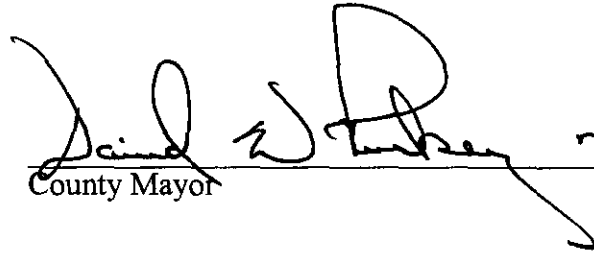
SECTION 1. The members of the Tennessee Congressional Delegation are urged to immediately pass the pending Federal legislation described in this resolution that helps Tennessee's farmers as well as every Tennessean by allowing the sales tax to be deducted from the Federal Income Tax.

✓ **SECTION 2.** Upon passage, the County Clerk is directed to transmit a copy of this Resolution immediately to Tennessee's U.S. Senators and Congressmen.

SECTION 3. This Resolution shall be effective upon passage, , the public welfare requiring it.

Adopted this 22 day of July, 2004.

APPROVED:


County Mayor 7/23/04

ATTEST:


County Clerk

EXIT 8

Motion by Nancy Phillips, seconded by Guy Collins to ask the County Mayor to issue a letter to the State asking that they consider increasing the priority of redesigning Exit 8 off of Interstate 81 due to the increase in fatal traffic accidents.

Voting for: all Voting against: none

RECOVERY PROGRAM GRANT

Motion by Guy Collins, seconded by Edwin Osborne that a resolution be drafted that the county will accept for a \$371,000 grant for a Recovery Program (Drug) retroactive to July 1, 2004.

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	

MONTHLY BILLS-QUESTIONS

Motion by Linda Noe, seconded by Larry Baker that all questions regarding monthly bills be submitted to Sharee Long, Purchasing Director, before noon on the Wednesday preceding the Monday Finance Committee meeting.

Voting for: all Voting against: none

TRUSTEE'S REPORTS

Motion by Linda Noe, seconded by Nancy Phillips that the Trustee furnish monthly sales tax reports and the normal monthly reports and the quarterly reports with line item detail.

Voting for: all Voting against: none

JERRY MCDUFFIE DAY

Motion by Nancy Phillips, seconded by Guy Collins to approve the following proclamation.

Voting for: all Voting against: none

Whereas, for the past 39 ½ years, Jerry McDuffie has dedicated his life to government service, and

Whereas, Jerry began his career as a Second Lieutenant with the United States Air Force following his graduation from the University of Tennessee, Martin, in 1964, and

Whereas, Jerry continued his education attending Texas A & M University in 1965 in their Meteorology Program, and

Whereas, his first tour of duty with the United States Air Force was divided between McCoy Air Force Base in Orlando, Florida, and 6 ½ months in Guam, where he briefed B-52 pilots, and

Whereas, Jerry traveled to Vietnam in December 1967, where he served as Officer in Charge of Special Projects over the Defense Meteorological Satellite Program (DMSP), and

Whereas, in February 1973, Jerry was selected to become the Officer in Charge of the DMSP Training Site at Keesler Air Force Base, where he completed his final six (6) years in the United States Military, and

Whereas, following his honorable discharge, Jerry began work at a new Satellite Field Office for the Gulf of Mexico being formed in Kansas City, and

Whereas, Jerry worked in Sioux Falls, South Dakota for five (5) years before moving to San Francisco to become the Weather Service Evaluations Officer, where he remained for four (4) years, and

Whereas, in 1989, Jerry moved to Los Angeles to serve as the Deputy Meteorologist in Charge and then stepping into the post of Area Manager/Meteorologist in Charge for Southern California, and

Whereas, Jerry finally found his way back home to Morristown in March 1994 to serve as Meteorologist in Charge of one of the foremost weather offices in Tennessee, where he has dutifully served for the past ten (10) years, and

Whereas, Morristown is fortunate to have Jerry remaining in the area after his retirement on July 31, 2004.

NOW, THEREFORE, BE IT PROCLAIMED, that July 31, 2004 be declared

“Jerry McDuffie Day”

in Hamblen County in recognition of his years of dedication and service to his country and community.

Chairman Joe Spoone

County Mayor David W. Purkey

THEREUPON, MEETING ADJOURNED AT 6:20 P.M.