

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

August 18, 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 July 21, 2005 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Joe Spoone presiding.

The Legislative Body Session was opened by Tom McKinney.

The Pledge of Allegiance was led by Nancy Phillips

Upon roll call the following members were present:

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

Absent: Ricky Bruce

#### **MINUTES APPROVAL**

Motion by Guy Collins, seconded by Donald Gray to approve the minutes of the June 23, 2005 commission meeting with the following corrections:

1. The motion was made last month by Edwin Osborne to empower the County Attorney to submit a letter to the Bankruptcy Court requesting a change to the franchise agreement with Adelphia/Comcast to affirm the actual arrangement.
2. Linda Noe requested the written statement by Benny Smith be made part of the minutes.

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

## NOTARIES AND BONDSMEN

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

Voting for: all                      Voting against: none

### CERTIFICATE OF ELECTION OF NOTARIES PUBLIC

As CLERK OF THE COUNTY OF Hamblen, TENNESSEE,

I HEREBY CERTIFY TO THE SECRETARY OF STATE THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF NOTARY PUBLIC DURING THE July, 2005 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>	
--	---	---	--

1 Lisa M. Greene Michael Cox	1218 McConnell Street Morristown, TN 37814 423-586-3425	1709 W. Andrew Johnson Hwy. Morristown, TN 37814 423-587-8848	
2 Teresa Kreceman Western Surety	4415 Danbury Dr. Morristown, TN 37813 423-586-0247	5783 W. Andrew Johnson Hwy. Morristown, TN 37814 423-581-9588	B.
3 Maurice J. Hatcher Western Surety Co.	818 W. Jefferson St. Jefferson City, TN 37760 865-475-4740	918 W. Main St. Morristown, TN 37814 423-581-0712	
4 Linda A. Owens Southern States Ins.	4453 Danbury Dr. Morristown, TN 37813 423-586-5532	436 Hwy. 25E Bean Station, TN 37708 865-993-4343	
5 Janice Hall Harrell TN Farmers Mutual Co.	1060 Slop Creek Rd. Russellville, TN 37860 423-587-9918	732 W. Main St. Morristown, TN 37814 423-581-5115	
6 T. Michelle Warf Cincinnati Ins. Co.	4164 Henrietta Dr. Morristown, TN 37814 423-586-4964	504 West Main St. Morristown, TN 37814 423-586-0522	
7 Jodi L. Barnard Accordia	4486 Beechurst Ave. Morristown, TN 37813 423-586-8571	825 W. First North St. Morristown, TN 37814 423-586-6382	
8 Virginia Herron TFIA	6165 Wintergreen Rd. Morristown, TN 37814 423-587-4322	732 W. Main St. Morristown, TN 37814 423-586-3162	
9 Larry D. Baker Stancil Ford Guy Collins	635 Three Springs Rd. Russellville, TN 37860 423-586-6191	110 N. Cumberland St. Morristown, TN 37814 423-586-6041	
10 Marty McDaniel Farm Bureau	1105 Mt. Vista Dr. Russellville, TN 37860 423-317-0736	425 Wilder St. Morristown, TN 37813 423-586-5360	
11 William L. Marks Pitt Insurance	1785 Old Liberty Hill Rd. Morristown, TN 37814 423-581-0812	314 Hope Rd. Maryville, TN 37801 865-977-9660 Cell 423-231-5685	
12 Phyllis B. Douglas Masengill - McCrary - Gregg Insurance	114 Sweeten Rd. Parrottsville, TN 37843 423-625-8852	116 E. Main St. Morristown, TN 37814 423-586-9302	
13 Sheryll Morrison Notary Public Underwriters, Inc.	705 Walker Church Rd. Bulls Gap, TN 37711 423-235-6433	910 West Morris Blvd. Morristown, TN 37813 423-587-2000	
14			
15			
16			
17			
18			

**COUNTY ATTORNEY APPOINTMENT**

Motion by Dennis Alvis, seconded by Herbert Harville to reappoint Rusty Cantwell to a one year term as County Attorney.

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

**DOLLAR GENERAL STORE REVOTE**

Motion by Nancy Phillips, seconded by Dennis Alvis to table a revote on rezoning property for a Dollar General Store until the August commission meeting.

Voting for: all                      Voting against: none

Motion by Maudie Briggs, seconded by Larry Baker to add to the agenda the additional items for the Budget Committee Report.

Voting for: all except Linda Noe who voted NO.

**PLANNING COMMISSION AND BOARD OF ZONING APPEALS**

**NOMINATIONS**

Motion by Maudie Briggs, seconded by Guy Collins to accept the nominations from County Mayor David Purkey of Lorine Stone, Gaston Cline, and Thomas Shipley to the Hamblen County Planning Commission and Board of Zoning Appeals.

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

**TIME SHEETS/VACATION/SICK-TIME USE**

Motion by Maudie Briggs, seconded by Guy Collins to accept Mayor David Purkey's recommendation concerning time sheets/vacation/sick time use for changes in the County Personnel Policy Handbook and also to accept County Attorney Rusty Cantwell's amendment to the recommendation.

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

PERSONNEL/POLICIES AND PROCEDURES COMMITTEE MEETING  
- JULY 11, 2005

RE: EMPLOYEE TIME SHEETS/VACATION HOURS/SICK LEAVE HOURS

Karen, the motion coming out of the above-styled Committee yesterday regarding David's recommendations for changes to the County Personnel Policy Handbook are as follows:

All exempt and non-exempt County employees funded under the general fund, highway fund and garbage fund ("major fund categories") shall complete a time sheet as provided by the county personnel manager listing hours worked, vacation leave and sick leave during the prescribed period of work (elected officials and part-time board members not generally subject to the personnel policy manual are exceptions to this policy). Exempt employees will be subject to the same personnel policy guidelines governing benefits and the recording and use of vacation and sick leave as non-exempt employees under the major fund categories.

I would propose this paragraph above be placed somewhere under Paragraph 1.0 on page 22 of the Hamblen County Personnel Policies and Procedures Manual.

As another part of the motion, the paragraph concerning "Exempt Employee Sick Leave" on page 23 of the Hamblen County Personnel Policies and Procedures Manual under Section IV - Employee Benefits is to be deleted from the County Personnel Policy Handbook.

**MONTHLY CHECKS**

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

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

**ETHRA TRANSPORTATION FUNDING**

Motion by Larry Baker, seconded by Tom Lowe to appropriate \$25,000 for the ETHRA transportation program from the General Fund balance for the 2005-06 fiscal year.

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

**RESOLUTION-12 YEAR CAPITAL OUTLAY NOTE(NEBLETT-ROAD SUPERFUND SITE)**

Motion by Larry Baker, seconded by Nancy Phillips to approve the following capital outlay note for the Neblett Road Superfund Site and to suspend the ten-day rule.

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

\* Voting no because of the suspension of the ten-day rule.

**TWELVE-YEAR CAPITAL OUTLAY NOTES—INFORMAL BID  
RESOLUTION OF THE GOVERNING BODY OF  
HAMBLÉN COUNTY, TENNESSEE, AUTHORIZING THE  
ISSUANCE, SALE, AND PAYMENT OF  
CAPITAL OUTLAY NOTES NOT TO EXCEED \$1,000,000  
PURSUANT TO THE INFORMAL BID PROCESS**

WHEREAS, the Governing Body of **Hamblen County**, Tennessee, (the "Local Government") has determined that it is necessary and desirable to issue capital outlay notes in order to provide funds for the following public works project capping of Neblett Landfill Site and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest-bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of Title 9 Chapter 21 Section 608 capital outlay notes to finance the cost of the Project;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution, and upon approval of the State Director of Local Finance, to issue and sell interest bearing capital outlay notes in a principal amount not to exceed **1 MILLION Dollars (\$1,000,000)** (the "Notes") by an informal bid process pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "**Neblett Landfill Site Capital Outlay Notes, Series 2005**"; shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination(s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to **exceed six per cent ( 6%)** per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than twelve (12) years after the date of issuance and, unless otherwise approved by the State Director of Local Finance, the Notes shall be amortized in an amount reflecting 2 at least level debt service on the Notes approximately according to the following schedule:

<b>FISCAL PRINCIPAL</b>		<b>FISCAL PRINCIPAL</b>	
<b>YEAR</b>	<b>AMOUNT</b>	<b>YEAR</b>	<b>AMOUNT</b>
_____ 2006 _____	\$ 83,333	_____ 2012 _____	\$ 83,333
_____ 2007 _____	\$ 83,333	_____ 2013 _____	\$ 83,333
_____ 2008 _____	\$ 83,333	_____ 2014 _____	\$ 83,333
_____ 2009 _____	\$ 83,333	_____ 2015 _____	\$ 83,333
_____ 2010 _____	\$ 83,333	_____ 2016 _____	\$ 83,333
_____ 2011 _____	\$ 83,333	_____ 2017 _____	\$ 83,333



The Notes shall not exceed the reasonably expected economic life of the Project, which is hereby estimated to be at least 40 years.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local Government over and above all other taxes authorized by the Local Government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

Section 5. That, the Notes shall be executed in the name of the Local Government; shall bear the manual signature of the chief executive officer of the Local Government and the manual signature of the county clerk, city recorder or other similar local government official as authorized by the governing body together with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the local government official as authorized by the Local Government or at the office of the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the county trustee, in the case of counties, or, in the case of municipalities or metropolitan governments, with the official designated by law as custodian of the funds. All proceeds shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Note remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register for the registration, exchange or transfer of the Notes. The note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument or transfer satisfactory to the Local Government duly executed by the registered owner or the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date on the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form authorized by the State Director of Local Finance and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 8. That, prior to the sale of the Notes, the Local Government shall submit a copy of this resolution authorizing the Notes to the State Director of the Local Finance for approval and a copy of the proposed disclosure statement, if any, and a statement showing the estimated annual principal and interest requirements for the Notes and a detailed statement showing the estimated cost of issuance which shall include at least the following, if applicable: (1) fiscal agent and/or financial advisor fees; (2) bond counsel fees; (3) other legal charges if any; (4) credit enhancement fees; (5) trustee fees; (6) registration fees; (7) paying agent fees; (8) rating agency fees; (9) underwriters' discount or charges; (10) remarketing agent fees; (11) printing, advertising and other expenses; (12) the number of financial institutions contacted by telephone or by letter (which should be at least three if possible) for the purpose of obtaining interest rates, and if only one institution was contacted a statement as to why only one institution was contacted. In its request for approval, the Local Government shall state and demonstrate that the proposed sale by the informal bid process is feasible, in the best interest of the Local Government, and that the Local Government should be able to amortize the proposed indebtedness together with all the obligations then outstanding.

Section 9. The Notes shall not be sold until receipt of the State Director of Local Finance's written approval for the sale of the Notes.

Section 10. That, the notes are hereby designated as qualified tax-exempt obligations for purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 11. That, after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the State Director of Local Finance (the "Director".) The budget shall be kept balanced during the life of the notes. The annual budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Director determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Director.

Section 12. That, if any of the Notes shall remain unpaid at the end of twelve (12) years from the issue date, then the unpaid Notes shall be retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the State Director of Local Finance.

Section 13. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists; and this Resolution shall become effective immediately upon its passage.

Duly passed and approved this 21 day of July, 2005

David W. Moore  
County Mayor  
(Local Government Chief Executive)

ATTESTED:  
Linda Wilder  
(City Recorder/County Clerk)

ATTACHMENT FOR \$ \_\_\_\_\_ (amount)  
\_\_\_\_\_ (description)

**INFORMAL BID CAPITAL OUTLAY NOTES**

As required by Title 9, Chapter 21, Part 609, Tennessee Code Annotated, this information is being submitted to the State Director of Local Finance to request approval to issue these notes by the informal bid process:

1. The informal bid process is feasible.
2. The informal bid process is in the best interest of the Local Government.
3. The Local Government will be able to amortize these notes together with all other outstanding obligations.
4. Interest rate proposals have been obtained by telephone or in writing from the following financial institutions (at least three should be contacted, if possible):

a. \_\_\_\_\_ b. \_\_\_\_\_  
c. \_\_\_\_\_ d. \_\_\_\_\_  
e. \_\_\_\_\_ f. \_\_\_\_\_

Interest rate proposals will be or have been submitted by telephone or in writing to the following financial institutions (at least three should be contacted, if possible):

a. \_\_\_\_\_ b. \_\_\_\_\_  
c. \_\_\_\_\_ d. \_\_\_\_\_  
e. \_\_\_\_\_ f. \_\_\_\_\_

**If only one financial institution is contacted for interest rates, a separate statement must be submitted explaining why. If "only one local bank" is the explanation, the informal bid process will not be approved.**

5. \_\_\_\_\_ There are no issuance costs associated with the sale of these notes.
6. There are issuance costs, and they are itemized as follows:

Financial advisor fees: \_\_\_\_\_  
Legal counsel fees: \_\_\_\_\_  
Credit enhancement fees: \_\_\_\_\_  
Registration fees: \_\_\_\_\_  
Paying agent fees: \_\_\_\_\_  
Rating agency fees: \_\_\_\_\_  
Underwriter's fees: \_\_\_\_\_  
Remarketing agent fees: \_\_\_\_\_  
Printing and advertising: \_\_\_\_\_  
Other expenses: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Title: \_\_\_\_\_

**CONTRACTS-NEBLETT ROAD SUPERFUND SITE**

Motion by Larry Baker, seconded by Dennis Alvis to approve the contracts from Wilbur Smith Associates and S&ME for construction work on the Neblett Road Superfund Site and to suspend the ten-day rule.

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

\* Voting no because of the suspension of the ten-day rule.

**PUBLICATION OF PROPOSED BUDGET**

Motion by Larry Baker, seconded by Guy Collins to approve the publication of the proposed fiscal 2005-06 budget as approved by the budget committee.

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

- Commissioner Noe stated that she wanted the record to reflect that she is stunned that the commissioners want to pass a budget on information that is being given out today and she will be voting NO.

**RESOLUTION-SEWER RATE CHARGE**

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

Voting for: all                      Voting against: none

## RESOLUTION

### REQUESTING THAT THE CITY OF MORRISTOWN CHARGE THE LOWER CITY SEWER RATE TO THOSE SEWER CUSTOMERS WHO RESIDE IN HAMBLLEN COUNTY AND WHO ARE CONNECTED TO THE CITY SEWER AS A RESULT OF A HAMBLLEN COUNTY/STATE OF TENNESSEE GRANT

WHEREAS, the Hamblen County Legislative Body has in the past secured Community Development Block Grant funding for sewer improvements in Hamblen County and currently has an application in process for a sewer grant in Whitesburg, and

WHEREAS, these grants are funded by federal and/or state monies combined with a local funding match from Hamblen County, and

WHEREAS, these grants for sewer improvements are provided primarily for low-income residents of Hamblen County, and

WHEREAS, in undertaking sewer improvements through a grant to Hamblen County, construction of the sewer improvements is paid by and through Hamblen County and, at completion, these improvements are signed over or gifted to the City of Morristown, thereby benefiting the City by eliminating any capital investment on its part, and

WHEREAS, the City of Morristown charges one sewer rate to residents living within the City limits and another higher rate that is almost twice the city rate to sewer customers who live outside the City limits, and

WHEREAS, the Hamblen County Legislative Body is particularly concerned that these higher sewer rates are charged to county residents where the monies used to construct and extend the city sewer have come from a county-state/federal grant and are intended for low-income residents,

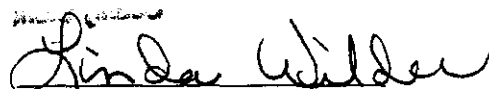
NOW, THEREFORE, BE IT RESOLVED, that the Hamblen County Legislative Body, meeting in regular session on this the 21<sup>st</sup> day of July 2005, hereby requests that the City of Morristown use the lower city rate in billing those county residents who are connected to the sewer in those instances where the costs of construction and extension of the city sewer have been paid for through a grant secured by the county.

BE IT FURTHER RESOLVED, that the county clerk of Hamblen County shall mail a certified copy of this Resolution to the Mayor of the City of Morristown and shall ask that the Mayor or City Administrator place this request on the agenda for the September 20<sup>th</sup> meeting of the Mayor and Council of the City of Morristown.

Adopted this the 21<sup>st</sup> day of July 2005.

APPROVED:

\_\_\_\_\_  
County Mayor

  
County Court Clerk

**METRO GOVERNMENT STUDY**

Motion by Nancy Phillips, seconded by Linda Noe to have County Mayor David Purkey contact the City of Morristown Mayor regarding doing a joint committee with city and county representatives to study Metro Government.

Voting for: all

Voting against: none

THEREUPON, MEETING RECESSED UNTIL AUGUST 4, 2005  
AT 5:00 P.M.