

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

Nov. 21, 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 October 20, 2005 at 5:00 p.m. in the Hamblen County Courthouse with the Honorable Joe Spoons 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	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 commission meeting for September 22, 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 Spoons	

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 October, 2005 MEETING OF THE GOVERNING BODY:

NAME (PRINT OR TYPE)	HOME ADDRESS AND PHONE (INCLUDE ZIP AND AREA CODES)	BUSINESS ADDRESS AND PHONE (INCLUDE ZIP AND AREA CODES)
1 Stephanie DeNise Notary Public Underwriters, Inc.	1004 Pullen Rd. Whitesburg, TN 37891 423-586-6443	5885 Trinity Parkway, Ste. 210 Centerville, VA 20120 423-586-6443
2 Estevan Valdiviez, Jr. C. N. A. Surety	430 Sunrise Ave. Morristown, TN 37813 423-318-0645	1060 S. Cumberland St. Morristown, TN 37813 423-581-0011
3 Judy Talley Cincinnati Insurance Company	2062 Inman Bend Rd. Morristown, TN 37814 423-586-5777	929 W. First North St. Morristown, TN 37814 423-587-6870
4 Witt Dixon, Jr. State Farm Insurance Company	7480 Early Rd. Whitesburg, TN 37891 423-235-2623	7480 Early Rd. Whitesburg, TN 37891 423-235-2623
5 Ray M. Bradley, Jr. Cincinnati Insurance Company	1318 Johnson Dr. Morristown, TN 37814 423-581-6774	5050 S. Davy Crockett Pky. Morristown, TN 37813 423-586-5550
6 Tammy Michele Combs McInturff, Milligan and Brooks	2565 Phillip Lane Russellville, TN 37860 423-586-3784	4005 East Morris Blvd. Morristown, TN 37813 423-317-9611
7 Donna J. Bell TN Farmers Mutual through Farm Bureau	1807 Pembroke Dr. Morristown, TN 37813 423-581-6776	2131 Walters Dr. Morristown, TN 37814 423-585-0544
8 L. Lee Kimbrough John D. Wallace Doyle Wallace	497 Carroll Rd. Morristown, TN 37814 423-581-7447	5050 S. Davy Crockett Pkwy. Morristown, TN 37813 423-585-6218
9 Leslie Wallin Acordia Cincinnati Ins. Co.	567 Lakeshore Rd. Talbott, TN 37877 423-318-8156	120 Evans Ave. Morristown, TN 37814 423-586-8421
10 Laura R. Connatser Acordia Cincinnati Ins. Co.	954 Forest Drive Morristown, TN 37814 423-581-1864	120 Evans Ave. Morristown, TN 37814 423-586-8421
11 Shari B. Combs Acordia Cincinnati Ins. Co.	645 Parkway Drive Morristown, TN 37814 423-581-3139	120 Evans Ave. Morristown, TN 37814 423-586-8421
12 Frank P. Cantwell, Jr. Cincinnati Insurance Company	3340 Landmark Drive Morristown, TN 37814 423-581-4128	400 West Main St., Suite 201 Morristown, TN 37814 423-586-3083
13 Kristi A. Misenheimer Strate Insurance	1335 Collinson Ford Rd. Morristown, TN 37814 423-581-4336	3052 Maple Valley Rd. Morristown, TN 37813 423-587-4300
14		
15		
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17		
18		
19		

RESOLUTION-EAST HIGH SCHOOL

Motion by Ricky Bruce, seconded by Tom Lowe to adopt the following resolution recognizing Morristown Hamblen High School East as a National Blue Ribbon School.

Voting for: all

Hamblen County Legislative Body

Resolution

WHEREAS, On Friday, September 23, 2005 the US Department of Education announced the 2005 No Child Left Behind – Blue Ribbon Schools Award recipients,

WHEREAS, Morristown-Hamblen High School East students met the State's "Adequate Yearly Progress" requirements for 2004-2005

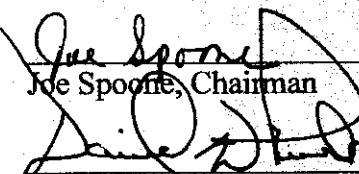
WHEREAS, Morristown-Hamblen High School East students scored in the top 10% on achievement test in English/Reading and Mathematics over a three year period while maintaining a population of economically disadvantaged in excess of 40%,

WHEREAS, Less than 1% of the 90,000 public schools in the United States of America are eligible for this award with approximately 24,000 of them being high schools,

WHEREAS, Morristown-Hamblen High School East was one of 295 schools selected from across the United States,

WHEREAS, Morristown-Hamblen High School East was one of two schools selected from within the State of Tennessee,

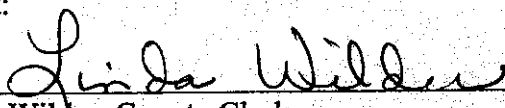
NOW, THEREFORE, LET IT BE RESOLVED by the Hamblen County Commission that Morristown Hamblen High School East Students, Faculty, Administration, as well as, the Hamblen County Board of Education is congratulated for their achievement in being recognized as a nation's Blue Ribbon School by excelling in performance, curriculum, and instruction.


Joe Spooie, Chairman

Ricky Bruce, Commissioner


David W. Purkey, Hamblen County Mayor

Attest:


Linda Wilder, County Clerk

REZONING REQUESTS

RESOLUTION

**A RESOLUTION TO AMEND THE ZONING MAP OF HAMBLLEN COUNTY,
TENNESSEE BY REZONING TAX MAP 011, PARCEL 012.01 , DISTRICT 03,
5018 COPPER RIDGE RD. MORRISTOWN TN 37814
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 011, Parcel
012.01 located in Hamblen County.*

*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 Herbert Harville

Second by Tom Lowe

Voting For:

ALL

Voting Against:

NONE

ATTEST:

Linda Wilder
County Clerk

AUTHENTICATED:

David Whelan
County Mayor

DATE:

10/25/05

RESOLUTION

**A RESOLUTION TO AMEND THE ZONING MAP OF HAMBLEN COUNTY,
TENNESSEE BY REZONING TAX MAP 057J, GROUP C
TAX MAP 009.00 , DISTRICT 05, 4900 S. DAVY CROCKETT PARKWAY
MORRISTOWN TN 37813
FROM A-1 TO C-1**

WHEREAS, The Morristown Regional Planning Commission heard the request to amend the Hamblen County Zoning Map from A-1 to C-1 on Tax Map 057J Group C, Parcel 009.00 located inside the Urban Growth Area.

WHEREAS, The Morristown Regional 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 be Maudie Briggs.

Second by Donald Gray.

Voting For:

ALL

Voting Against:

NONE

ATTEST:

Linda Wilder
County Clerk

AUTHENTICATED:

David R. Hester
County Mayor

DATE:

10/25/05

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
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	
Donald Gray	Joe Spoone	

FUNDING FOR AN INTERNATIONAL CENTER

Motion by Herbert Harville, seconded by Maudie Briggs to authorize a one-time expenditure of \$60,000 to be used for the International Center.

Motion by Larry Baker, seconded by Tom Lowe to table the above motion and to consider putting the question on referendum for the public to decide.

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

The vote was taken on the original motion to fund \$60,000 for the International Center.

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

Motion by Herbert Harville, seconded by Ricky Bruce to take the \$60,000 from the Hospital Debt Service Fund for the International Center funding.

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

Commissioners Maudie Briggs, and Tom Lowe leave at this time.

DRAINAGE BOND RELEASE

Motion by Herbert Harville, seconded by Larry Baker to approve the Drainage Bond Release for Oak Trace Subdivision.

Voting for: all

BUDGET AMENDMENT-AGRICULTURE EXTENSION

Motion by Herbert Harville, seconded by Donald Gray to approve the following budget amendment for the Agriculture Extension Office.

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

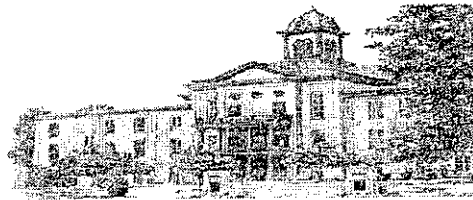
*Wants the record to reflect that she voted no because money is being taken from Fund Balance.

BUDGET AMENDMENT-PLANNING AND ZONING

Motion by Herbert Harville, seconded by Edwin Osborne to approve the following budget amendment for Planning and Zoning from Unappropriated Surplus.

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

Hamblen County Commission
Finance Committee



"The People's House"

Month OCT Year 2005

Fund 101

DEPT: **PLANNING & ZONING**

Account Number	Description	Debit	Credit
41520.000	Building Permits		70,000
51720.101	County Official/Administrative Officer	7,570	
51720.103	Administrative Assistant		3,697
51720.106	Deputies	10,232	
51720.140	Salary Supplements		1,500
51720.161	Secretary		2,851
51720.196	In-Service Training		1,000
51720.199	Other Per Diem & Fees	4,200	
51720.201	Social Security	957	
51720.204	State Retirement	2,129	
51720.207	Medical Insurance	8,250	
51720.212	Employer Medicare	222	
51720.309	Contracts with Government Agencies	2,500	
51720.320	Dues & Memberships		2,170
51720.332	Legal Notices, Recording & Court Costs	300	
51720.334	Maintenance Agreements	100	
51720.425	Gasoline	246	
51720.435	Office Supplies	1,500	
51720.524	In-Service/Staff Development	2,380	
51720.719	Office Equipment	2,700	
39000.000	Undesignated Fund Balance	37,932	

81,218

81,218

Brief Descriptions of Issue:

Revise Planning & Zoning budget as necessary.

Signature: *D. M. [Signature]*

Title: Director

Date: 10/5/05

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

CUSTODIAL SUPPLIES BIDS

Motion by Herbert Harville, seconded by Donald Gray to approve the recommendation from the Purchasing Department for custodial supplies, with items being awarded individually to vendors with the lowest bid.

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

CONTRACT-JAIL SECOND FLOOR BUILD OUT PROJECT

Motion by Bobby Reinhardt, seconded by Guy Collins to approve the contract from Hodge Engineering for architectural services for the Jail Second Floor Build-Out Project. Linda Noe stated she was voting no and wanted her written statement entered into the minutes. Ricky Bruce stated that you can't compare the costs of school renovation with the costs of jail renovations.

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

October 20, 2005

Attached are set contract fees for architects on the recent school construction program. These are for renovations and were based on project estimates just as the current architectural contract for the jail renovation is based on a project estimate of \$600,000.

The project closest in amount to the \$600,000 jail project is Lincoln Heights with a project estimate of \$599,250. The set architect's fee for Lincoln Heights was \$29,000

If you use this set fee of \$29,000 for the jail and then add as much as another 50% to the fee for the jail project, the set fee (with a 50% premium) would still be about \$45,000 instead of the \$51,500 that is now proposed.

I frequently hear statements about applying best practices to our deliberations, purchasing, and contracting.

I have nothing at all against either Mr. Previtera or Hodge Engineering. Mr. Previtera is a very good architect who has performed quality work for the county.

But at some time, we have to quit talking about best practices and actually apply them.

As I mentioned at the last committee meeting, the State Comptroller issued a report a few years ago that stated:

"[T]he first mistake most local governments commit is failing to take the initiative to draft the contract. Instead the contractor usually drafts the contract, thereby placing him/herself in an advantageous position. Governments should take the initiative to draft the contract before negotiating with a contractor...."

We didn't do that. We didn't take the initiative. We may have gotten a good deal. But there is not one of us who can say with certainty that we did because we had nothing to compare it with.

That is why I will vote "no." My vote is not against Mr. Previtera or his firm. My vote is against a poor contracting process that we repeat over and over--- sometimes with cries of "emergency" but more often because we simply don't want to take the time to set up proper procedures and follow them.

As a result of this, I will ask in November that we establish contracting guidelines for soliciting proposals from services providers where the amount involved is above a certain threshold and that we take an active part in negotiating or appointing someone to negotiate contracts and fees on behalf of the taxpayers.

Commissioner Linda Noe

There are many examples of contract services on both the state and local level...

Some of the most commonly contracted services in Tennessee include ambulance services, towing services, highway and bridge construction and maintenance, building construction, health care, legal services, architectural services, consulting services, accounting services, and other professional services. Several have always been handled through contracts; others are more recent.

Market Strength

Before work begins on a contract, government officials need to determine the number of contractors in the marketplace qualified to provide a particular service. This information will reveal the amount of competition or market strength that exists and help officials determine if a service should be privatized. Without adequate competition, there is often no point in proceeding with contract planning. As a general rule, the more private companies that are interested in providing a service, the greater the chance these firms will have the necessary qualifications and cost savings will be passed on to the government.

Contracts

Developing a contract is the most important factor in ensuring that governments and private companies will honor their commitments.

Developing a contract is the most important factor in ensuring that governments and private companies will honor their commitments. A contract is a legally binding agreement between two parties stating the terms and conditions of providing a service or task. The contract is the only document that governs performance and price during the term of the contract. No oral or written communication between the contractor and the government will affect performance or price unless incorporated into the contract... The contract is designed to limit the occurrence of problems by specifying what is expected of each party and the risks each will assume before a service is provided.

Sharon Rollins, senior public works consultant for Municipal Technical Advisory Service, noted that the first mistake most local governments commit is failing to take the initiative to draft the contract. Instead, the contractor usually drafts the contract, thereby placing him/herself in an advantageous position. Governments should take the initiative to draft the contract before negotiating with a contractor to provide a service. This practice will ensure that the contractual agreement is tailored to meet the needs of the government and is not designed solely to benefit a contractor. Most occurrences of abuse, fraud, poor service, and mismanagement are a result of poorly constructed contracts. It is important that governments develop contracts that are not open to interpretation by contractors and do not contain ambiguous wording. Problems can result when two parties fail to communicate the important elements that need to be in a contract.

Hamblen County Schools Building Program Information
 Page 2, 6/25/98--Architects

School	Architect	Project Estimate	Set Fee	
Meadowview	Kaatz, Binkley	\$ 1,485,625	\$ 74,000	4.98%
	Jones, Morris			
Lincoln Hts.	KBJM	\$ 599,250	\$ 29,000	4.84%
Upgrade pre-school center		47,700*	\$ 2,300	4.82%
East High	KBJM	\$ 1,351,750	\$ 67,000	4.96%
Fairview	KBJM	\$ 206,600	\$ 10,000	4.84%
Totals for	KBJM	\$ 3,690,925	\$182,300	

*originally budgeted to move and upgrade the pre-school to West View

School	Architect	Project Estimate	Set Fee	
Alpha Elem.	Lockwood-Greene	\$ 24,824	\$ 1,245	5.02%
Alpha Primary	Lockwood-Greene	\$ 535,727	\$ 26,800	5.00%
John Hay	Lockwood-Greene	\$ 315,762	\$ 15,800	5.00%
Totals for Lockwood-Greene		\$ 876,313	\$ 43,845	

MAINTENANCE POSITIONS

Motion by Ricky Bruce, seconded by Dennis Alvis to approve the recommendation of County Mayor David Purkey to clarify the Maintenance Technician Salary Inequity.

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

OVERTIME ISSUES

Motion by Ricky Bruce, seconded by Nancy Phillips to approve the overtime policies, with comp time not to exceed 60 hours, which reflects time and a half, with the policies going into effect on November 1, 2005.

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

Motion by Larry Baker, seconded by Herbert Harville that this meeting be recessed instead of adjourned and reconvene on October 24, 2005 at 6:00 p.m. to discuss the resolution regarding junkyards.

Voting for all except Edwin Osborne who voted No.

GARBAGE CAN LOCATIONS IN TRAILER PARKS

Motion by Edwin Osborne, seconded by Ricky Bruce to amend the current policy regarding the placement of trash cans in trailer parks and to endorse the current wording giving the Road Superintendent the authority to make exceptions in the cases where safety is at question.

Voting for: all

THEREUPON, MEETING RECESSED AT 9:00 P.M. UNTIL OCTOBER 24, 2005 AT 6:00 P.M.