

**MINUTES
ROANE COUNTY COMMISSION
REGULAR MEETING
FEBRUARY 13, 2012**

**STATE OF TENNESSEE
COUNTY OF ROANE**

BE IT REMEMBERED, that the County Commission of Roane County, Tennessee convened in regular session in Kingston, Tennessee on the 13th day of February, 2012 at 7:00 P.M.
The Commission was called to order by **Bailiff Lloyd Cook**.

Invocation was given by **Commissioner Tedder**.

The Pledge of Allegiance to the Flag of the United States of America was led by **Bailiff Lloyd Cook**.

Present and presiding was the Honorable **James Brummett** and the following Commissioners: **Bacon, Berry, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder**. (14)

Absent: **Cantrell** (1)

THEREUPON Chairman **Brummett** announced the presence of a quorum. Also present was Budget Director **Kaley Walker**, Deputy Clerk **Bobbie Tipton**, Zoning Officer **Kay Christopher** and Building & Codes Inspector **Glenn Coffey**.

APPROVE MINUTES OF THE JANUARY 9, 2012 MEETING.

MOTION was made by **Commissioner Johnson** with second by **Commissioner Forrester** to approve the minutes of the January 9, 2012 meeting.

Motion **Passed** upon unanimous voice vote.

ACCEPTANCE OF COMMITTEE REPORTS AND CORRESPONDENCE:

1. **MINUTES** of Board of Zoning Appeals, 08-17-11.
2. **MINUTES** of Sheriff's Liaison Committee 12-5-11.

3. **MINUTES** of Fire Board 12-12-11.
4. **MINUTES** of Fire Board 01-10-12.
5. **MINUTES** of County Board of Public Utilities 12-22-11.
6. **MINUTES** of Budget Committee 01-05-12.
7. **MINUTES** of Solid Waste Committee 01-17-12.
8. **MINUTES** of Industrial Liaison Committee 01-26-12.
9. **MINUTES** of Planning Commission 12-14-11 & 01-04-12.
10. **MINUTES** of County Commission & School Board Work Session. 01-12-12.
11. **LETTER** FROM Stan Malone, PUB, re: Gerald & Nancy Walker Driveway Damage Claim 01-5-12.
12. **LETTER** to Sam Cox, Chairman, Board of Education, from County Executive Ron Woody re: TVA Swan Pond In Lieu of Tax Contribution to Roane County 01-06-12.
13. **LETTER** to Honorable Ron Ramsey, Speaker of the Senate, re: redistricting 01-09-12.
14. **LETTER** to Honorable Beth Howell, Speaker of the House, re: redistricting 01-09-12.
15. **LETTER** from Katie Kline, TVA, to County Executive Ron Woody
re: Emergency Services employee 01-09-12.
16. **LETTER** to Marilyn Calfee, confirming appointment to E-911 Board. 01-10-12.
17. **LETTER** from Paula Mitchell, TDEC, to County Executive Ron Woody re: HHHW Event set for 05-05-12.
18. **MEMO** from Tom Fleming, Assistant to the Comptroller for Assessments, re: 2012 Appraisal Ration Study.
19. **Letter** to Tom Kilgore, TVA re: request for presentation on success of recovery operation 01-12-12.
20. **LETTER** from Robert Deacy, Sr, regarding scheduled meeting with County Commission on Monday, February 27, 2012 at 6:00 p.m.
21. **MEMO** from Kaley Walker, Budget Director, to Judge Humphrey And Judge Wicks re: Litigation Tax.

Motion to receive the Committee Reports and Correspondence was made by **Commissioner Berry** with second by **Commissioner Collier**.

Motion **Passed** upon unanimous voice vote.

NOTARIES:

The following persons desiring to be elected as a Notary Public in Roane County were presented to the Commission by

Deputy Clerk Bobbie Tipton: William B. Steelman, Brenda Russell, Melisa Jane Berry, Candice Lee Peacock, Michael T. McCain, Teresa L. Thomas, Melissa Sharae Smith, Alison Thebodeau, Margaret B. Helton, Ralph Magill, Paul H. Miles, Laura Cordell, Charlotte Lewallen, Billy Joe Sexton, Jr.. Stephen P. Ellis, Darcy P. Soard, Margaret E. Goodman, Jeff Patterson and Barbara D. Moore.

Motion to elect was made by **Commissioner Bacon** with second by **Commissioner East**.

Motion **Passed** upon unanimous voice vote.

HEARING OF DELEGATION:

Tom Moore spoke in favor of Resolution # 02-12-20, a resolution to remove barriers to voting in Roane County.

Kent Calfee announced his candidacy for the office of State Representative for District 32.

John McNeeley from the East Roane County Fire Department urged the Commission to postpone confirming the appointment of OES Director as the Fire Department Chief.

COUNTY ATTORNEY'S REPORT:

County Attorney Tom McFarland updated the Commissioners on the Status of the zoning cases.

Commissioner Berry requested the County Attorney review County wide Personnel Policies to see if it covers the County and Employee. Then report his findings to the Commission.

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COUNTY EXECUTIVE'S REPORT:

The County Executive was attending his daughter's Senior Appreciation Night therefore, Budget Director Kaley Walker discussed the following issues:

- We are in the process of scheduling Industrial Inventory Summett at Roane State Community College sometime in May.
- Senate Bill 11-94 House Bill 12-69 to raise partnership agreements to 50 years, this could apply to Plateau Park Partnership , therefore we will be tracking it.
- Reminder that there will be a meeting on 2-27-12 at 6 p.m. with TVA to discuss the status of the Kingston Ash Recovery site and plant.
- Household Hazardous Waste is scheduled for May 5, at the Recycling Center.
- Work has begun on the Health Department roof.
- Property Tax Collection is running about the same as last year.

SPECIAL ORDERS:

Confirming the appointment of Wade Creswell to the Roane County Purchasing Commission to fill vacancy caused by the resignation of Craig Money.

Motion to confirm was made by **Commissioner Berry** with second by **Commissioner Collier**.

Motion **Passed** upon unanimous voice vote.

Confirming the appointment of Fred Shulz as Chairman of the Local Emergency Planning Committee (LEPC).

Motion to confirm was made by **Commissioner Collier** with second by **Commissioner Berry**.

Motion **Passed** upon unanimous voice vote.

Confirming the appointment of OES Director, as the County Fire Department Chief pursuant to Resolution # 06-08-08, Section # 5 which delegated the powers and duties of the Roane County Fire Department to the Roane County Office of Emergency Services.

Motion was made by **Commissioner Ellis** with second by **Commissioner East** to postpone sixty (60) days and the Fire Departments and OES Director have a joint meeting and come to mutual agreement.

Motion **Passed** upon unanimous voice vote.

ZONING RESOLUTIONS: None

OLD BUSINESS:

Resolution # 01-12-17

A Resolution To Increase Litigation Taxes For General Sessions Court in Roane County.

WHEREAS, Tennessee Code Annotated § 16-15-5006 authorizes counties to levy an additional litigation tax of up to six dollars (\$6.00) in general sessions court to help fund increases in compensation for general sessions judges required by 1988 Public Chapter 698; and

WHEREAS, Tennessee Code Annotated § 16-15-5006(a) provides further that, if during any fiscal year the amount of revenue generated by the local tax authorized by that section does not sufficiently fund the increase in general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50, the local litigation tax may be raised to an amount more than six dollars (\$6.00) if necessary to fund the mandated increase; provided that such increase be adjusted annually; and

WHEREAS, prior resolution 01-04-06 of the Roane County Legislative

Body amended the additional litigation tax authorized by Tennessee Code Annotated § 16-15-5006 at the six dollar (\$6.00) level to be at a thirty-two dollar (\$32.00) amount; and

WHEREAS, Roane County has determined that the thirty-two dollar (\$32.00) litigation tax no longer generates sufficient revenue to fund the increases in the general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Roane County, Tennessee, meeting in regular session on this 13th day of February, 2012 in Kingston, Tennessee, that:

Section 1. On the effective date provided in Section 3, below, the local litigation tax in effect in general sessions court in Roane County shall be increased by twenty-nine dollars (\$29.00) in excess of the current thirty-two dollars (\$32.00) to a new amount of sixty-one dollars (\$61.00), as authorized by Tennessee Code Annotated § 16-15-5006.

Section 2. Taxes levied pursuant to this resolution shall be collected in addition to all state and other county litigation taxes in general sessions court and shall be chargeable upon filing in a civil case and upon conviction in a criminal case in general sessions court. The increase authorized by this resolution shall remain in effect in Roane County until the end of the fiscal year during which this increase is enacted and shall be re-enacted, repealed or adjusted annually to ensure that the revenue generated by this resolution does not exceed the increases in general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50.

Section 3. This resolution shall be effective and the taxes imposed by this resolution shall take effect on the first day of March, 2012

the public welfare requiring it.

Section 4. The local litigation taxes collected pursuant to this Resolution shall be paid over to the County Trustee monthly and deposited in the county general fund.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Section 6. The presiding officer of this legislative body shall

certify the passage of this resolution to the Secretary of State as provided in Tennessee Code Annotated § 16-15-5006.

Upon motion of **Commissioner Berry**, seconded by **Commissioner Moore**.

The following Commissioners voted Aye: **Bacon, Brummett, Collier, Forrester, Goddard, Granger, Johnson, Kelley, Johnson, Nelson, Tedder (11)**

The following Commissioners voted No; **Berry, East, Ellis (3)**

Thereupon, the Chairman announced that said Resolution had received a constitutional majority and ordered same spread of record.

NEW BUSINESS:

Resolution # 02-12-01

A Resolution authorizing Roane County to refund to: Oak Ridge Golf & Country Club, P.O. Box 5299, Oak Ridge, TN 37831, the sum of \$6,357.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: per assessment appeals commission

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
015		001.00	2010	\$22,268.00	\$6,357.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Oak Ridge Golf & Country Club, PO Box 5299, Oak Ridge TN 37831, the sum of \$6,357.00.

Upon motion of **Commissioner Kelley** seconded by Commissioner **Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See attachment

Resolution # 02-12-02

A Resolution authorizing Roane County to refund to: Wayne and Nancy Pope, 180 Hart Orchard Road, Kingston, TN 37763 the sum of \$607.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: per assessment appeals commission

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
080		022.01	2010	\$3,533.00	\$607.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Wayne and Nancy Pope, 180 Hart Orchard Road, Kingston TN 37763, the sum of \$607.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record

See Attachment

Resolution # 02-12-03

A Resolution authorizing Roane County to refund to: Robert K. Henley, P.O. Box 154, Harriman, TN 37748 the sum of \$154.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: add mobile home to this parcel-move house to Parcel 012.01

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
027	012.00		2010	\$203.00	\$77.00
027	012.00		2011	\$202.00	\$77.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Robert K Henley, PO Box 154, Harriman TN 37748, the sum of \$154.00

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

, The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered same spread record.

See Attachment

Resolution # 02-12-04

A Resolution authorizing Roane County to refund to: Terry and Karen Lawson (James Morrison), 815 Paint Rock Ferry Road, Kingston, TN 37763 the sum of \$25.00.

I WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: property is inside the city due to city annex

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
068		158.02	2011	\$1,099.00	\$25.00

NOW, THEREFORE, BE IT RESOLVED, that ROANE COUNTY is hereby authorized to refund to: Terry and Karen Lawson, 815 Paint Rock Ferry Road, Kingston TN 37763 the sum of \$25.00.

Motion to adopt was made by Commissioner Kelley with second by Commissioner Ellis.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See Attachment

Resolution # 02-12-05

A resolution authorizing Roane County to refund to: Brent W. Watts and Patrick A. Walden, 11625 Georgetown Drive, Knoxville, TN 37934, the sum of \$357.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: per assessment appeals commission

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
039A	D	017.00	2010	\$595.00	\$357.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Brent W Watts and Patrick A Walden, 11625 Georgetown Drive, Knoxville TN 37934, the sum of \$357.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See attachment

Resolution # 02-12-06

A Resolution authorizing Roane County to refund to: Jeremy T. and Angie M. Israel (Federal Nat'l Mrtg) 107 Shagbark Lane, Oak Ridge, TN 37830 the sum of \$273.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: correct upper story measurements

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
15I	A	031.00	2011	\$1,662.00	\$273.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Jeremy T and Angie M Israel (Federal Nat'l Mrtg), 107 Shagbark Lane, Oak Ridge TN 37830, the sum of \$273.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See attachment

Resolution # 02-12-07

A Resolution authorizing Roane County to refund to: Jack E.Giles, 500 S. Ridge Avenue, Rockwood, TN 37854 the sum of \$142.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: pro-rate garage apartment only 50% complete-not livable

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
064C	E	009.00	2011	\$894.00	\$142.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Jack E Giles, 500 S Ridge Avenue, Rockwood, TN 37854 the sum of \$142.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See Attachment

Resolution # 02-12-08

A Resolution authoring Roane County to refund to: Toby Russell, P.O. Box 381, Oliver Springs, TN 37840, the sum of \$ 102.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: correct clerical error in structural elements

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
013	\	046.00	2011	\$2,542.00	\$208.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Toby Russell, PO Box 381, Oliver Springs, TN 37840 the sum of \$208.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See Attachment

Resolution # 02-12-09

A Resolution authorizing Roane County to refund to: John R. and Melvia D. Mann, 129 Bradshaw Hollow Road, Rockwood TN 37854 the sum of \$102.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: correct utility building and open porch double assessed

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
065		108.00	2011	\$2,310.00	\$102.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: John R and Melvia D Mann, 129 Bradshaw Hollow Road, Rockwood TN 37854, the sum of \$102.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See Attachment

Resolution # 02-12-10

A Resolution authorizing Roane County to refund to: Leon & Wanda Lowery, 210 Cemetery Lane, Harriman, TN 37748 the sum of \$97.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: per assessment appeals commission

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
036I	C	005.00	2010	\$143.00	\$88.00
036I	C	005.01	2010	\$12.00	\$9.00

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See Attachment

Resolution # 02-12-11

A Resolution authorizing Roane County to refund to: Leila Camille Cheshire, 489 Emory River Road, Harriman, TN 37748 the sum of \$25.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: pro-rate for 2011-purchased by TVA

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
037		088.00	2011	\$759.00	\$25.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Leila Camille Cheshire, 489 Emory River Road, Harriman TN 37748, the sum of \$25.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

Resolution # 02-12-12

A Resolution authorizing Roane County to refund to: Stella Robinson, % Stacey Cofer, 248 Frost Hollow Road, Harriman, TN 37748 the sum of \$26.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: mobile home torn down 12-31-2010.

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
039		010.00T.001	2011	\$26.00	\$26.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Stella Robinson % Stacey Cofer, 248 Frost Hollow Road, Harriman, TN 37748 the sum of \$26.00

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See Attachment

RESOLUTION # 02-12-13

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE.

A RESOLUTION authorizing **ROANE COUNTY** to refund to: Karl White, 601 Radford Place, Knoxville, TN 37917 , the sum of \$133.00

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: per assessment appeals commission

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
67		025.02	2010	\$133.00	\$133.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Karl White, 601 Radford Place, Knoxville, TN the sum of \$133.00.

Upon motion of **Commissioner Kelley** seconded by Commissioner **Ellis**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered spread of record.

See Attachment

Resolution # 02-12-14

A RESOLUTION authorizing **ROANE COUNTY** to refund to: Loretta M Cunningham and Theresa Goldberg, 121 Benny East Road, Rockwood TN 37854, the sum of \$13.00. .

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: mobile home removed from property

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
084		061.00	2011	\$375.00	\$13.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Loretta M Cunningham and Theresa Goldberg, 121 Benny East Road, Rockwood TN 37854 the sum of \$13.00.

Motion to adopt was made by **Commissioner Kelley** with second by **Commissioner Ellis**.

Upon roll call vote the following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder (13)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore (1)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered same spread record.

See Attachment

Resolution # 02-12-15

A Resolution requesting the State Board of Education and the Tennessee General Assembly to consider improvements to the Tennessee Secondary Governmental Education Program.

WHEREAS, the Tennessee General Assembly approved The Education Improvement Act of 1992, along with establishing powers and duties of the State Board of Education (**T.C.A.** 49-1-302); and

WHEREAS, The Education Improvement Act created a state funding formula known as the Basic Education Program (BEP); and

WHEREAS, the BEP has two distinct and separate formulas that earn funds for secondary governmental education:

1. **Cost Model**. Wherein cost drivers or factors which relate to delivery of education services generates funds, i.e., students generate a need for teachers, teacher has a cost which generates funds. The Cost Model is a shared cost between the State and local governments.
2. **TACIR Index/CBER Index**. A factor or group of factors (indexes) which considers a county's ability to fund education relative to other counties in the state. This factor or group of factors is known as TACIR Index and/or CBER Index. The Index impacts the State's and local governmental contribution percentages; and

WHEREAS, this resolution addresses components of only the **Cost Model** and we recognize that a number of index issues should also be addressed; and

WHEREAS, we believe a **Cost Model** approach is an acceptable means to identify costs to deliver education services; and

WHEREAS, we believe the current **Cost Model** does not identify all the cost and/or fully account for the cost to deliver the services;

NOW, THEREFORE, BE IT RESOLVED that the Roane County Commission does hereby request that the Tennessee General Assembly and State Board of Education explore, study, and change the existing **Cost Model** to accounting for:

1. Teacher insurance premiums to be calculated at 12-months premium instead of 10-month (never funded for two months)

2. Property and Liability expenses (never funded)
3. Business Office Personnel (never funded)
4. Trustee Commissions (never funded)
5. Required/Needed Professional Development (never funded)
6. Nursing Position in line with actual nursing staffing (Medical service requirements have grown since 1992 and positions earned based on number of students has not changed)
7. Technology support in line with actual staffing (Technology demand has changed since 1992 and positions earned has not changed)
8. Administrative Principal/Assistant Principals in line with Southern Association of Colleges & Schools (SACS) standards (never funded at SACS's required level)
9. Teachers' materials and supplies in line with actual usage need (earned \$200 per teacher has not changed since the formula started in 1992)
10. Salary component has not kept up with average statewide teacher salary
11. Workers' Compensation (never funded)
12. Science and Math Coaches (never funded)
13. School Resource Officer (recognized that most counties have this program and may be jointly paid for from grants and local funding; however, the service is an education cost driver and should be reflected in the formula)

BE IT FURTHER RESOLVED that the BEP **Cost Model** should be changed to reflect the cost of providing services, even if the cost drivers are initially set at zero, the formula should reflect the cost drivers of these services.

BE IT FURTHER RESOLVED that the State funding bodies should work to fund the cost drivers that have no funding and secondly, adequately fund the cost drivers that are currently under-funded.

BE IT FURTHER RESOLVED that the Tennessee General Assembly, along with the State Board of Education should further work to improve education funding by:

1. Fully funding the BEP formula
2. Insuring accurate student count (main component of earning funds)
3. Insuring proper indexes (most questionable and complex portion of the BEP formula)

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to forward a certified copy of this resolution to Roane County's State legislators, Senator Ken Yager and Representative Julia Hurley; the State Board of Education, and *any other appropriate state office(s)* with the request that Roane County's position, recommendations, and input be considered when the state education funding formula is discussed.

UPON MOTION of **Commissioner Moore**, seconded by **Commissioner Kelley**, the following Commissioners voted Aye :**Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder (14)**

The following Commissioners passed: -0-

The following Commissioners voted No: -0-

THEREUPON the County Chairman announced to the Commission that said resolution had received a constitutional majority and ordered same spread of record.

RESOLUTION # 02-12-16

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION approving the attached Participating Employer Agreement and authorizing the County Executive to enter into and execute the said Agreement

WHEREAS, the Roane County Commission, the Legislative Body of Roane County, Tennessee (hereinafter referred to as the "Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a 401(k) defined contribution plan, funded by employee deferrals and, if elected pursuant to Section N, Q, or HH of the Participating Employer Agreement, employer contributions; and

WHEREAS, Tennessee Code Annotated, Section 8-25-111(a) allows a Tennessee local governmental entity to participate in the State of Tennessee's 401(k) defined contribution plan subject to the approval of the Chair of the Tennessee Consolidated Retirement System (hereinafter referred to as the "Chair"); and

WHEREAS, the liability for participation and the costs of administration shall be the sole responsibility of the Employer and/or its employees, and not the State of Tennessee; and

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement; and

WHEREAS, the Employer has reviewed the State of Tennessee Deferred Compensation Plan II Adoption Agreement for a Section 401(k) Cash or Deferred Arrangement for Governmental Employers, as adopted by the State of Tennessee, as amended and restated effective January 1, 2010, as amended December 21, 2010, and as amended by Amendment Number Two dated January 4, 2012, as well as the Section 401(k) Cash or Deferred Arrangement for Governmental Employer Basic Plan Document (collectively known as the "Plan" or "Plan Document"); and

WHEREAS, the Employer wishes to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities; and

WHEREAS, the Employer is eligible to become a Participating Employer in the Plan, pursuant to Article XX of the Plan Document; and

WHEREAS, the Employer is concurrently executing a Participating Employer Agreement for the Plan; and

WHEREAS, the Roane County Commission, the Legislative Body of the Employer is authorized by law to adopt this resolution approving the Participating Employer Agreement on behalf of the Employer;

NOW, THEREFORE BE IT RESOLVED that the Roane County Commission, the Legislative Body of the Employer, hereby resolves:

1. The Employer adopts the Plan Document for its Employees; provided, however, that for the purpose of the Plan, the Employer shall be deemed to have designated irrevocably the Chair as its agent, except as otherwise specifically provided herein or in the Participating Employer Agreement.
2. The Employer acknowledges that the Plan does not cover, and the Trustees of the Plan ("Trustees") have no

responsibility for, other employee benefit plans maintained by the Employer.

3. The Employer acknowledges that it may not provide employer contributions to the Plan on behalf of any of its employees that exceed three percent (3%) of the respective employees' salary if the employees are members of the Tennessee Consolidated Retirement System or of any other retirement program financed from public funds whereby such employees obtain or accrue pensions or retirement benefits based upon the same period of service to the Employer.

4. The Employer hereby adopts the terms of the Participating Employer Agreement, which is attached hereto and made a part of this resolution. The Participating Employer Agreement (a) permits all employees of the respective entity to make elective deferrals; (b) sets forth the Employees to be covered pursuant to Section N, Q, or HH of the Participating Employer Agreement for employer contributions, if any; (c) outlines the benefits to be provided by the Participating Employer under the Plan; and, (d) states any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participating Employer Agreement, so long as the amendment is not inconsistent with the Plan, the Internal Revenue Code ("hereinafter known as the 'Code' "), Tennessee law, or other applicable law and is approved by the Chair.

5. The Chair may amend the Plan on behalf of all Employers, including those Employers who have adopted the Plan prior to a restatement or amendment of the Plan, for changes in the Code, the regulations thereunder, Tennessee law, revenue rulings, other statements published by the Internal Revenue Service ("IRS"), including model, sample, or other required good faith amendments, and for other reasons that are deemed at the Chair's sole discretion to be in the interest of the Plan. These amendments shall be automatically applicable to all Employers.

6. The Chair will maintain, or will have maintained a record of the Employers and will make reasonable and diligent efforts to ensure that Employers have received all Plan amendments.

7. The Employer shall abide by the terms of the Plan, including amendments to the Plan and Trust made by the Chair, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Code, Tennessee law, and other applicable law.

8. The Employer accepts the administrative services to be provided by the Tennessee Treasury Department and any services provided by Plan vendors. The Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts and/or charged to the Employer.

9. Subject to the provisions of Section 20.06 of the Plan, the Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements pursuant to the Plan, if it takes the following actions:

a. A resolution must be adopted by the Governing Authority of the Employer terminating the Employer's participation in the Plan.

b. The resolution must specify the proposed date when the participation will end, which must be at least six calendar months after notice to the Chair and the Employer's employees.

c. The Chair shall (i) determine whether the resolution complies with the Plan, and all applicable federal and state laws, (ii) determine an appropriate effective date, and (iii) provide appropriate forms to terminate ongoing participation. Distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan Document.

d. Once the Chair determines the appropriate effective date, the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof.

e. The Chair can, in the Chair's sole discretion, reduce the six month notice and withdrawal period to a shorter period if the Employer so requests, but in no event shall the period be less than three months.

10. The Employer acknowledges that the Plan Document contains provisions for Plan termination by the Trustees, subject to applicable Tennessee law.

11. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan and subject to the vesting provisions of the Plan. All contributions to the Plan must be timely transferred by the Employer to the Trust Fund pursuant to and in the manner provided by the Chair. The Employer acknowledges that if the Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its employees participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees, or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

12. The Employer agrees to offer and enroll only those persons, whether appointed, elected, or under contract,

wherein an employee-employer relationship is established, providing service to the Employer for which compensation is paid by the Employer.

13. The Employer understands that IRS rules and Tennessee law limit participation in the Plan to governmental entities and their respective employees. The Employer will notify the Chair in writing within ten (10) calendar days if it ceases to be a governmental entity under applicable federal or Tennessee law, and/or if it discovers that it is transferring or having transferred employee deferrals and/or employer contributions to the Plan on behalf of an individual who does not meet the requirements in Paragraph 12 above.

14. The Employer acknowledges that the Chair and other Trustees are the fiduciaries of the Plan and have sole and exclusive authority to interpret the Plan and decide all claims and appeals for Plan benefits. The Employer agrees to abide by the Chair's decisions on all matters involving the Plan.

15. This resolution and the Participating Employer Agreement shall be submitted to the Chair for approval. The Chair shall determine whether the resolution and the Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement participation in the Plan. The Chair may refuse to approve a Participating Employer Agreement executed by an Employer that, in the Chair's sole discretion, does not qualify to participate in the Plan.

16. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Participating Employer Agreement are adopted and executed in accordance with the requirements of applicable law.

BE IT FURTHER RESOLVED that the Roane County Commission does hereby authorize the County Executive to enter into and execute the State of Tennessee Deferred Compensation Plan II - 401(k) Participating Employer Agreement on behalf of Roane County Government, Roane County, Tennessee.

UPON MOTION of **Commissioner Moore**, seconded by **Commissioner Collier**, the following Commissioners voted yes: **Bacon, Berry,**

**Brummett, Collier, East, Ellis, Forrester, Goddard, Granger,
Johnson, Kelley, Moore, Nelson, Tedder (14)**

the following Commissioners voted No: -0-

the following Commissioners passed: -0-

THEREUPON the County Chairman announced to the Commission that said resolution had received a constitutional majority and was adopted in accordance with applicable law, and ordered same spread of record.

See Attachment

RESOLUTION # 02-12-17

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION requesting that the General Assembly repeal T.C.A. §33-7-304, Public Chapter 531 Section 45 and require the State of Tennessee to be financially responsible for outpatient and inpatient mental health evaluations and treatment for defendants charged with misdemeanor offenses only

WHEREAS, on June 26, 2009, Governor Phil Bredesen signed into law new legislation making counties responsible for the cost of outpatient and inpatient mental health evaluations and treatment for defendants charged only with misdemeanors and court-ordered to undergo said evaluations (see **T.C.A. §33-7-304**, Public Chapter 531 Section 45); and

WHEREAS, before the adoption of **T.C.A. §33-7-304**, Public Chapter 531 Section 45, the State of Tennessee paid all costs and expenses for outpatient and inpatient mental health evaluations and treatment ordered by the court for defendants charged with both misdemeanors and felonies; and

WHEREAS, this unfunded mandate transferred the cost of outpatient and inpatient mental health evaluations and treatments for criminal defendants charged only with misdemeanors from the State of Tennessee to the individual counties and has resulted in serious financial ramifications for Roane County, Tennessee already, with the potential for untold cost in the future; and

WHEREAS, the county has received a bill for a mental health evaluation at a state mental health facility for one defendant charged with a misdemeanor offense from the Department of Mental Health and Developmental Disabilities of approximately \$10,000.00, and it is Roane County's desire to request that the State Legislators representing Roane County in the General Assembly sponsor legislation to repeal "**T.C.A. §33-7-304**, Public Chapter 531 Section 45" and again require the State of Tennessee to absorb or pay state mental health facilities and agencies who perform court-ordered mental evaluations and treatment for criminal defendants charged with misdemeanors; and

NOW, THEREFORE BE IT RESOLVED by the Roane County Commission, meeting in regular session, that the County Executive is directed to send this resolution with a letter to Senator Ken Yager and Representative Julia Hurley asking them to sponsor legislation to repeal "**T.C.A. §33-7-304**, Public Chapter 531 Section 45", which requires counties to pay for court-ordered mental health evaluations and treatment for defendants charged with misdemeanors and that the State of Tennessee, through its mental health facilities and agencies, provide at no cost to

the counties of the State of Tennessee court-ordered mental health evaluations and treatment of all defendants including those charged with misdemeanors.

BE IT FURTHER RESOLVED that the Roane County Commission directs the County Clerk to forward a copy of this resolution to the Legislative Body of Green County, Tennessee to show its support in seeking the repeal of "T.C.A. §33-7-304, Public Chapter 531 Section 45".

UPON MOTION of Commissioner Moore, seconded by Commissioner Collier, the following Commissioners voted Aye: Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder (14)

The following Commissioners passed: **-0-**

The following Commissioners voted No: **-0-**

THEREUPON the County Chairman announced to the Commission that said resolution had received a constitutional majority and ordered same spread of record.

Resolution # 02-12-18

A Resolution to amend the General Capital Projects Fund (171) to receive money from TVA due to their acquisition of property in the Swan Pond community affected by the ash spill.

WHEREAS, several properties in the Swan Pond community were acquired by TVA after the ash spill, and

WHEREAS, TVA is a federally owned corporation that does not pay property tax but instead pays an in lieu of tax, and

WHEREAS, the County Executive presented an outstanding invoice to the Foundation for approval, and

WHEREAS, the TVA Foundation has agreed to pay an additional \$284,762 which will be prorated to the General Capital Projects Fund (171) and the Education Capital Projects Fund (176) with Oak Ridge School receiving their portion.

NOW, THEREFORE, BE IT RESOLVED that the General Capital Projects Fund (171) be amended as follows:

Fund	Account No.	Description	Current Bgt	Amend	Amend Bgt
		BAL Sub Fund			
		Revenue			

171	40161	Payments in lieu of taxes - TVA	-	157,867	157,867
Fund Balance					
171	39000	Unassigned Fund Balance	83,291	157,867	241,158

Upon motion of **Commissioner Kelley**, seconded by **Commissioner Moore**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder (14)**

The following Commissioners Passed: **-0-**

The following Commissioners voted No: **-0-**

Thereupon, the Chairman announced that said Resolution had received a constitutional majority and ordered same spread of record.

Resolution # 02-12-19

A Resolution amending the Education Capital Projects Fund (177) reflecting changes in Revenue/Expenditure estimates for the 2011/2012 fiscal year.

Motion to adopt was made by **Commissioner Ellis** with second by **Commissioner Berry**.

Motion to **Postpone** to the County Attorney for thirty (30) days was made by **Commissioner Collier** with second by **Commissioner Kelley**.

Upon roll call vote the following Commissioners voted Aye: **Bacon, Brummett, Collier, Goddard, Granger, Kelley, Moore, Tedder (8)**

The following Commissioners voted Aye: **Benny, East, Ellis, Forrester, Johnson, Nelson (6)**

Thereupon the Chairman announced that the resolution was **Postponed** to the County Attorney for thirty 30 days.

Resolution # 02-12-20

A resolution to remove barriers to voting in Roane County.

Withdrawn without objection by sponsor **Commissioner Kelley**.

Resolution # 02-12-21

A Resolution adopting the Roane County Mitigation Plan.

WHEREAS, Roane County recognizes the need to identify and mitigate natural hazards that pose a risk to Roane County; and

WHEREAS, the Office of Emergency Services, in collaboration with TEMA, FEMA, and the cities of Kingston, Harriman, and Rockwood have developed a Hazard Mitigation Plan; and

WHEREAS, the Hazard Mitigation Plan has been reviewed and approved by TEMA and FEMA; and

WHEREAS, at a meeting on January 31, 2012, the Roane County Emergency Services Committee voted to adopt the Hazard Mitigation Plan and recommend same to the full Commission;

NOW, THEREFORE BE IT RESOLVED that the Roane County Commission, meeting in regular session on the 13th day of February, 2012 hereby adopts the Roane County Hazard Mitigation Plan developed by the Office of Emergency Services in collaboration with TEMA, FEMA, and the cities of Kingston, Harriman and Rockwood.

UPON MOTION of **Commissioner Moore**, seconded by **Commissioner Goddard**, the following Commissioners voted Aye: **Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Tedder (12)**

The following Commissioners passed: **-0-**

The following Commissioners voted No: **Moore, Nelson (2)**

THEREUPON the County Chairman announced to the Commission that said resolution had received a constitutional majority and ordered same spread of record.

RESOLUTION # 02-12-22

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION asking Roane County's Legislative delegation to make the sale of synthetic drugs a felony and requesting support by surrounding counties

WHEREAS, synthetic marijuana and designer stimulants have created a public health problem in Roane County as witnessed by the Roane County Emergency Services agencies; and

WHEREAS, currently in the state of Tennessee some of these products are being sold legally while some are covered under current legislation making them illegal but carrying only a misdemeanor charge.

NOW, THEREFORE, BE IT RESOLVED that the Roane County Commission does hereby request that Roane County's legislative representatives be asked to sponsor and/or support comprehensive legislation to make the manufacturing, distribution, and selling of synthetic drugs a felony in the State of Tennessee.

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to send a copy of this resolution to all counties in the State of Tennessee asking for a similar resolution to their legislative delegation in support of said legislation for the betterment of all of Tennessee.

UPON MOTION of Commissioner Forrester , seconded by Commissioner Bacon, the following Commissioners voted Aye: Bacon, Berry, Brummett, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder (14)

- The following Commissioners passed: -0-

The following Commissioners voted No: -0-

THEREUPON the County Chairman announced to the Commission that said resolution had received a constitutional majority and ordered same spread of record.

Motion duly made by **Commissioner Moore**, second by **Commissioner Collier** the February 13, 2012 meeting stood adjourned at 9:05 P.M.

APPROVED:

Chairman James Brummett

Attest:

County Clerk Barbara J. Anthony