

**MINUTES
ROANE COUNTY COMMISSION
REGULAR MEETING
AUGUST 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 August 2012 at 7:00 P.M.

The Commission was called to order by **Bailiff Herbert Griffin**.

Invocation was given by **Commissioner Cantrell**.

The Pledge of Allegiance to the Flag of the United States of America was led by Bailiff Herbert Griffin.

Present and presiding was the Honorable **James Brummett** and the following Commissioners: **Bacon, Berry, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder**. (15)

Absent: -0-

THEREUPON Chairman Brummett announced the presence of a quorum. Also present was the Honorable **Ron Woody**, County Executive, Budget Director **Kaley Walker**, County Attorney **Tom McFarland**, Deputy Clerk **Bobbie Tipton** and Building & Codes Inspector **Glenn Coffey**.

APPROVE MINUTES OF THE JULY 09, 2012 MEETING.

MOTION was made by **Commissioner Forrester** with second by **Commissioner Collier** to approve the minutes of the July m e e t i n g .

Motion to approve **Passed** upon unanimous voice vote.

ACCEPTANCE OF COMMITTEE REPORTS AND CORRESPONDENCE:

1. **Minutes** Board of Zoning Appeals 5-23-12.
2. **Minutes** Planning Commission 6-20-12.

3. **Minutes** Industrial Liaison 7-5-12.
4. **Minutes** Fire Board 7-11-12.
5. **Minutes** County Board of Public Utilities 7-12-12.
6. **Minutes** Cable TV Committee 7-16-12.
7. **Minutes** Agricultural Extension Committee 7-16-12.
8. **Letter** from Dr. Bennett to Ron Woody with enclosed letter to Melissa Price re: Death Certificate of Joshua Lynn Humphreys.
9. **Letter** dated July 10, 2012 from Ron Woody to Dr. Bill Bennett, Medical Examiner, re: Death Certificate of Joshua Lynn Humphreys.
10. **Correspondence** dated June 25, 2012 from Mark S. Watson, Oak Ridge City Manager with attached Oak Ridge Resolution 6-49-12 supporting the creation of a General Aviation Airport at ETPP.
11. **Correspondence** dated July 11, 2012 from Kaley Walker to Road Superintendent Tom Hamby re: Crystal Cove Funding.
12. **Letter** to Senator Yager re: Public Chapter # 1023.
13. **Letters** to Senator Yager, Representative Hurley and Representative Cobb from Ron Woody re: Public Chapter No. 1023.
14. **Letter** from Crystal Cove Property Owners Association to Ron Woody dated July 16, 2012 re: funding for Crystal Cove.
15. **Letter** dated July 26, 2012 from Lanny Bonds (TDEC) re: Wastewater Plant compliance evaluation inspection.
16. **Letter** dated July 26, 2012 from Michael Dunn Center thanking Roane County for support.
17. **Letter** dated July 12, 2012 from James R. Ryans to Stan Malone, Chair of the County Board of Public Utilities submitting his resignation from the Board.
18. **Letter** dated July 10, 2012 from Ron Woody to Bruce Kimmel accepting his resignation from the Environmental Review Board at the end of this term, July 30, 2012.
19. **Letter** dated July 10, 2012 from Ron Woody to Mary Ann Koltowich confirming her re-appointment to the Environmental Review Board for a term to expire July 30, 2014.
20. **Letter** dated July 10, 2012 from Ron Woody to David Reichle confirming his re-appointment to the Environmental Review Board for a term to expire on July 30, 2015.
21. **Letter** dated July 10, 2012 from Ron Woody to Frank Kornegay confirming his re-appointment to the Environmental Review Board for a term to expire on July 30, 2015.
22. **Lawsuit** Justin Ybarra vs. Judge Dennis Humphreys et al

United States District Court, Eastern District of Tennessee at Knoxville.

23. **Lawsuit** Roane County vs Paula Brackett.
24. **Correspondence** from residents of Pioneer Village re: bad condition of roads in Pioneer Village Subdivision.
25. **Letter** re: Copy of a Knox County Resolution establishing a policy regarding invocation before meetings of Knox County Commission.
26. **Financial** Report for Roane County Clerk ending 6-30-12.
27. **Financial** Report for Roane County Trustee ending 6-30-12.
28. **Financial** Report for Roane County Chancery Court Ending 6-30-12.
29. **Financial** Report for Register of Deeds ending 6-30-2012.
30. **Minutes** of Public Hearing & Budget Committee. 6-28-2012.

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

Commissioner Berry discussed items # 12, 13, 15, and 24.
Commissioner Johnson discussed items 8 and 9.

Motion to adopt as **Passed** upon 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**: Julia Bebb, David S. Higgins, Julianna J. Loden, Debra A. McCroskey, Joel E. Pearman and Jamie Preston.

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

Motion **Passed** upon unanimous voice vote.

HEARING OF DELEGATION:

Sharon Brown of Bournemouth Road, Rockwood, TN. addressed the Commission regarding the bad condition of Bournemouth Rd.

Allen Cole of Poland Hollow Rd. announced his candidacy for State Representative.

COUNTY ATTORNEY'S REPORT:

The County Attorney and Commissioners recessed to another court room at 7:50 P.M. for an executive session. They returned at 8:50 and the meeting reconvened.

COUNTY EXECUTIVE'S REPORT:

1. Senator Bob Coker will be having a public meeting at the Alliance on Tuesday, August 14, 2012 at 2:15 pm.

2. We completed the purchase of the second house behind the new Jail. The seller has 90 days to remove and take out any fixed materials. After the 90 days we will begin the demolition process.

3. The following Executive Summaries and DMA have been posted on the county website:

- (6a) Environmental Review Board update
- (16a) 2013 Capital Implementation
- (26) 2012 Fire Study Analysis
- DMA #10 - Transportation of Deceased

4. Letter to Medical Examiner Dr Bill Bennett reference request of the OES Committee on forming a written policy.

5. We have had five (5) Meth Labs decontamination since July 1. If this continues we will have some budget issues due to the cost of decontamination.

6. Founder's Day. Please be thinking of community leaders in your district for nominations.

7. Public Utility District:

- We are still working on a comprehensive report along with and Executive

Summary on the operations and financial status of our WWTP

- Jeff Parkison is being recommended under special order as a replace to Jim Ryans on the PUB.

- Phase II of the sewer expansion project has been awarded encompassing the Harbin and College Grove subdivision. Cost of phase II will be approximately \$1.8 million. Correspondence #5.

8. Correspondence #10 references a General Aviation Airport support letter and resolution from the City of Oak Ridge. Would the commission like to have a resolution drafted supporting this project?

9. Volkswagen (VW) project is continuing on schedule. We anticipate paying the contractor the remainder of the contract with the next pay request.

10. We anticipate opening bids within the next two weeks on the Recycling Center Capital Project. We would anticipate the project being completed by December.

11. VA Clinic in Rockwood is back open.

12. General Counsel of the Comptroller Office contacted us regarding the balance of reappraisal appeals in which the comptroller's office along with the Roane County Assessor has been defending: (Comptroller's Office requested assistance from Melvin Moore)

- Rocky Tops
- NA 70 parcels
- Apartment Complex
- Coal Creek
- Rarity Ridge

SPECIAL ORDERS:

Presentation by Environmental Review Board.

Mary Koltowich presented a slide show and outlined the purpose and focus of the Roane County Environmental Review Board.

Approval of Official Statutory Bond for Director of Schools, Gary Aytes - Surety Bond No. 66138396 in the amount of \$50,000.

Motion to approve was made by **Commissioner** Berry with second by **Commissioner Moore**.

Upon roll call vote the following Commissioners voted Aye:
**Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis,
Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson,
Tedder (15)**

Thereupon the chairman announced that the motion **Passed**.

**Approval of Official Statutory Bond for Youth Intake Officer,
Chris Mason - Surety Bond No. 32S10025 in the amount of
\$5,000.00.**

Motion to approve was made by **Commissioner Moore** with second
by **Commissioner Tedder**.

Upon roll call vote the following Commissioners voted Aye:
**Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis,
Forrester, Goddard, Granger, Johnson, Kelley, Nelson, Tedder
(15)**

Thereupon the chairman announced that the motion **Passed**.

**Appointment to the Environmental Review Board to fill a
vacancy caused by the resignation of Bruce Kimmel.**

Withdrawn without objection.

**Appointment of Jeff Parkison to the County Board of Public
Utilities to fill a vacancy caused by the resignation of Jim
Ryans effective July 12, 2012. The term will expire June 30,
2013.**

Motion to accept this appointment was made by **Commissioner
Forrester** with second by **Commissioner Moore**.

Motion **Passed** upon unanimous voice vote.

**Re-appointment of George Yarbrough and Stan Malone to the
County Board of Public Utilities. The term will expire June
30, 2015.**

Motion to accept this re-appointment was made by **Commissioner
Moore**, with second by **Commissioner Tedder**.

Motion **Passed** upon unanimous voice vote.

Re-appointment of Vivian Stamaper as Member, and Scott Whitehead as Alternate to the Board of Zoning Appeals to terms to expire May 31, 2016.

Motion to accept this re-appointment was made by **Commissioner Granger** with second by **Commissioner Moore**.

Motion **Passed** upon unanimous voice vote.

Re-appointment of W.P. Wright as Member to the Zoning Appeals Board for a term to expire May 31, 2017.

Motion to accept this re-appointment was made by **Commissioner Berry** with second by **Commissioner Collier**.

Motion **Passed** upon unanimous voice vote.

Appointment to Tom Bowman as Alternate, to the Zoning Appeals Board to fill the vacancy cause by the resignation of James Watts. The term will expire May 31, 2017.

Motion to appoint was made by **Commissioner Ellis** with second by **Commissioner Collier**.

Motion **Passed** upon unanimous voice vote.

ZONING RESOLUTIONS:

Resolution # 08-12-01Z

A Request by Brigadoon Partners. LLC to rezone Map 102, Parcel 19.02 from C-1 (General Commercial) to R-1 (Low Density).

Motion to postpone 30 days and that the County Attorney and County Executive attempt to negotiate a settlement with the Company and to bring it back before Commission in September was made by **Commissioner Ellis** with second by **Commissioner Collier**.

Motion **Passed** upon unanimous voice vote.

REZONING RESOLUTION 08-12-02Z

A RESOLUTION OF ROANE COUNTY PLANNING COMMISSION RECOMMENDING ACTION BY THE ROANE COUNTY LEGISLATIVE COMMISSION ON A RESOLUTION AMENDING THE ROANE COUNTY ZONING MAP.

ROANE COUNTY PLANNING

COMMISSION RECOMMENDS:

REQUESTED BY: PHILLIP & CYNTHIA BRANSON

X APPROVAL

PUBLIC HEARING INFORMATION

_____ DENIAL

NOTICE DATE: JULY 23, 2012

_____ OTHER

NEWSPAPER: ROANE COUNTY NEWS

HEARING DATE: Aug. 13, 2012

COUNTY COMMISSION ACTION

READING DATE: Aug. 13, 2012

EFFECTIVE DATE: Aug. 13, 2012

Allen Williams by Kay Christopher
Planning Commission Chairman-

Warren Kocher by Kay Christopher
Planning Commission Secretary

07-18-12

Date

COMMENT:

Planning Commission unanimously approved the request.

WHEREAS, Roane County Legislative Commission has been asked to consider the rezoning of Map 107, Parcel 19.00 as shown on the attached map, and,

WHEREAS, the planning commission of jurisdiction has reviewed the request to have said parcel rezoned from

A-2 (Developing Agricultural) to C-1 (General Commercial) and,

WHEREAS, the planning commission recommendation is certified:

BE IT RESOLVED BY THE ROANE COUNTY COMMISSION THAT:

Section 1: Map 107, Parcel 19.00 as shown on the attached map is hereby zoned C-1 (General Commercial).

Section 2: This resolution shall take effect after the required public hearing and adoption by this commission.

Motion to adopt was made by **Commissioner Moore** with seconded by **Commissioner Collier**.

Motion to adopt **Passed** upon unanimous voice vote.

THEREFORE, the Chair announced to the Commission that said Resolution had received a constitutional majority and ordered same spread of record.

See attachment

Resolution # 08-12-03Z

A resolution to amend the Zoning Regulations for Roane County, Tennessee.

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

Motion to send back to the Committee for clarification was made by **Commissioner Kelly** with second by **Commissioner Cantrell**.

Motion **Passed** upon unanimous voice vote.

RESOLUTION NO. 08-12 04Z

A RESOLUTION FOR THE PURPOSE OF AMENDING THE ROANE COUNTY, TENNESSEE REGIONAL ZONING REGULATIONS REGARDING ADDING A DEFINITION FOR AGRICULTURAL STRUCTURES AND REGULATING PERMITS FOR AGRICULTURAL STRUCTURES/BUILDINGS.

WHEREAS, the Roane County Commission, in accordance with Section 13-7-102 of the Tennessee Code Annotated, may amend the Zoning Resolution of Roane County, Tennessee; and

WHEREAS, the Regional Planning Commissions of Roane County, Harriman, Kingston, and Rockwood have forwarded recommendations to the Board of County Commissioners regarding the amendment to the Zoning Regulations of Roane County, Tennessee;

NOW, THEREFORE, BE IT RESOLVED BY THE ROANE COUNTY BOARD OF COUNTY COMMISSIONERS THAT;

ARTICLE II , Section 202 of the Roane County Zoning Resolution shall be amended to include the following:

Section 202 (List of definitions) to be amended to include the following:

Agricultural Structure/Building:

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation, or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

And amending Section 103.2 - Agricultural Uses and Structures

Section 103.2.2

The requirements of this resolution shall be limited by the provisions of the Tennessee Code Annotated, Section 13-7-114, with respect to regulations on agricultural structures and lands. However, based on the passage of State of Tennessee Private Acts, Roane County is authorized to require building permits prior to construction of all buildings, and to enforce that requirement through utility connection policy and other means with the exception of agricultural structures or buildings designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation, or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. A building inspection is not required for structures used solely for agricultural purposes, is not more than 800 square feet in size, made of wood pole construction, with no utilities. A building permit fee of \$20 would be required.

Motion to adopt was made by Commissioner Cantrell with second by Commissioner Tedder.

Motion to adopt **Passed** upon unanimous voice vote.

THEREFORE, the Chair announced to the Commission that said Resolution had received a constitutional majority and ordered same spread of record.

NEW BUSINESS:

RESOLUTION # 08-12-01

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE.

A RESOLUTION authorizing **ROANE COUNTY** to refund to: Helen McKee, 269 Harvey Road, Kingston TN 37763, the sum of \$48.00.

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

Reason: deleted pole barn for 2011 it was never added to the property

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
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081 0026.00 2011 \$733.00 \$48.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Helen McKee, 269 Harvey Road, Kingston TN 37763 the sum of \$48.00.

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

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder (15)**

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

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

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

See attachment

Resolution # 08-12-02

A Resolution to change the membership status of the Roane County Parks and Recreation.

Motion to postpone to the Advisory Committee was made by **Commissioner Berry** with second by **Commissioner Tedder**.

Upon roll call vote the following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson (14)**

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

Thereupon the Chairman announced that Resolution # 08-12-02 was postponed 60 days.

RESOLUTION # 08-12-03

A RESOLUTION to authorize the County Executive to execute on behalf of Roane County any agreements of indemnity required by Midwest Employers Casualty Company in order to execute the bond for the Self-Insured Worker's Compensation Insurance Fund which is required by the State of Tennessee.

WHEREAS, the County has elected to be self-insured for Worker's Compensation and it is required by the State of Tennessee that the County maintain a \$500,000 bond in order to be self-insured, and

WHEREAS, Midwest Employers Casualty Company is currently providing the retention insurance for Roane County's Self-Insured Worker's Compensation program, and

WHEREAS, Midwest Employers Casualty Company has executed or is willing to consider the execution of such bond(s) and/or undertaking(s) as surety, upon being furnished with the written indemnity by Roane County.

NOW, THEREFORE, BE IT RESOLVED that the County Executive is hereby authorized to execute on behalf of Roane County, any agreement or agreements of indemnity required by Midwest Employers Casualty Company as a prerequisite to the execution by it of the bond(s) or undertaking(s) for Roane County, Tennessee in connection with the matter(s) and transaction(s) described in the agreement of indemnity required by Midwest Employers Casualty Company.

SECTION 1. All resolutions in conflict herewith be and the same are repealed insofar as such conflict exists.

SECTION 2. This resolution shall become effective upon passage, the public welfare requiring it.

Upon motion of **Commissioner Nelson**, seconded by **Commissioner Granger**, the following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Kelley, Moore, Nelson, Tedder (15)**

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

THEREUPON, the County Commission 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** with second by **Commissioner Ellis**, the August 13, 2012 meeting stood adjourned at 9:55 P.M.

APPROVED:

Chairman James Brummett

Attest:

County Clerk Barbara J. Anthony