

**MINUTES
ROANE COUNTY COMMISSION
REGULAR MEETING
NOVEMBER 19, 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 19th day of November 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 Herbert Griffin.

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

Absent: **Goddard (1)**

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**, Building & Codes Inspector **Glenn Coffey** and Zoning Officer Kay Christopher.

APPROVE MINUTES OF THE OCTOBER 15, 2012 MEETING.

MOTION was made by **Commissioner Forrester** with second by **Commissioner Johnson** to approve the minutes of the October 15, 2012 meeting.

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

ACCEPTANCE OF COMMITTEE REPORTS AND CORRESPONDENCE:

1. Minutes of Regional Planning Commission 8-15-12.
2. Minutes of Environmental Review Board 9-6-12.
3. Minutes of Planning Commission 9-12-12.

4. Minutes of Sheriff's Liaison Committee 10-1-12.
5. Minutes of Committee on Committees 10-4-12.
6. Minutes of Fire Board 10-9-12.
7. Minutes of Industrial Liaison Committee 11-1-12.
8. Tennessee DOT Project Status Report.
9. Letter from TN Consolidated Retirement System.
- 10 Letter from DOE re: Uranium Processing Facility at Y-12.
11. Letter from Dept. of Environmental and Conservation re: Local Parks & Recreation Fund (LPRF) Grant Award Presentation - Roane County Park.
12. Quartely Report from Community Probation Services LLC for 7-1-12 to 8-30-12.
13. Letter from Maury County Government asking other counties to adopt a resolution requiring minimum record retention requirements for hotels and motels in Tennessee.
14. Bankruptcy Court re: Donald L. Wyrick & Sherri L. Wyrick
15. Lawsuit re: Katherine Jones vs. Roane County Government.
16. Minutes of Building Inspector Codes and Reviews 10-25-12

Commissioner Berry discussed items 13 and 14 and Commissioner East discussed item # 13.

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

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 County Clerk **Bobbie Tipton**: Robert R. Adkins, Kimberly A. Andrews, Debra A. Bingham, Jennifer Buckner, Tonya R. Chaney, Paulette Crass, Timothy C. Duff, Judith L. Duncan, Mary T. Goch, Judy M. Harvey, Angela Kay Hines, Kelly Huddleston, Andrea D. Lewis, William C. McFarland, Teresa N. Powers, Jeanie M. Pressely, Kathy L. Seiber, Sheila Elaine Stanford, and Larry Ward.

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

Motion **Passed** upon unanimous voice vote.

HEARING OF DELEGATION:

Sharon Brown of Bournemouth Road, requested any assistance in repairing the roads in Pioneer Village, Rockwood, TN.

COUNTY ATTORNEY'S REPORT:

County Attorney Tom McFarland discussed lawsuits involving the County.

COUNTY EXECUTIVE'S REPORT:

The financial audit is complete with no findings.

Audit Committee is recommended.

Sales Tax Report (see attached)

Filed on the County Website recently Draft Wastewater Treatment Plant Financial Operation - 30 year budget

Debt Report has been filed this year under Executive's Summary.

Currently working on a Debt Article Report for the Roane County News.

Express thanks to the County Commission for their support of the Debt Management Plan/Policy and the Capital Asset Replacement Policy.

At this time there was a moment of silence in honor of former Commissioner David Currier

SPECIAL ORDERS:

Approval of the reappointment of Darryl Meadows to the Partnership Park Board. This term will expire September 30, 2018.

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

Motion **Passed** upon unanimous voice vote.

Approval of the reappointments of Arvel McNelly and John Harvey to the E-911 Board. These terms will expire December 31, 2016.

Motion to approve was made by **Commissioner Bacon** with second by **Commissioner Granger**.

Motion **Passed** upon unanimous voice vote.

Approval of the bond of Scott Guinn, Youth Intake Officer for a one year term beginning November 1, 2012 and ending on November 1, 2013. Bond No. 14907864 in the amount of \$2,500.00.

Motion to approve was made by **Commissioner Collier** with second by **Commissioner Johnson**.

Motion **Passed** upon unanimous voice vote.

ZONING RESOLUTIONS:

RESOLUTION # 11-12-01Z

A RESOLUTION authorizing the county attorney to file a lawsuit regarding the property of James & Timothy Mullins, by violating Roane County Zoning Regulations regarding uses permitted in an A-2 (Developing Agricultural) District on property identified as Map 49, Parcel 44.00.

WHEREAS, After the adoption of a regional plan, Roane County Zoning Regulations provides that violations of permitted uses must be abated.

WHEREAS, James & Timothy Mullins, have violated Roane County Zoning Regulations, by continually allowing a use not permitted in an A-2 (Developing Agricultural) District on property identified as Map 49, Parcel 44.00.

WHEREAS, the Roane County Planning Commission recommends the County Attorney be authorized to file a lawsuit to determine whether James & Timothy Mullins, by continually allowing a use not permitted in an A-2 (Developing Agricultural) District, on property identified as Map 49, Parcel 44.00 are subject to Roane County Zoning Regulations, and if they are, petitioning the court to enforce the same by granting injunctive and other relief.

THEREFORE, BE IT RESOLVED:

The county attorney is authorized to file a lawsuit to determine whether James & Timothy Mullins, by continually allowing a use not permitted in an A-2 (Developing Agricultural) District on property identified as Map 49 Parcel 44.00, are subject to Roane County Zoning Regulations, and if they are, petitioning the court to enforce the same by granting injunctive and other relief.

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

The following commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Granger, Johnson, Kelley, Moods, Nelson, Tedder. (14)**

The following Commissioner passed: **-0-**

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

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

See attachment

Resolution # 10-12-02Z

Authorizing the County Attorney to file a lawsuit regarding the property of Angel Jensen, Map 12, Parcel 12.01.

WHEREAS, After the adoption of a regional plan, Roane County Zoning Regulations provides that violations of building setbacks must be abated.

WHEREAS, Angel Jensen, has violated Roane County Zoning Regulations, by continually allowing a building setback violation on property identified as Map 12, Parcel 21.01.

WHEREAS, the Roane County Planning Commission recommends the County Attorney be authorized to file a lawsuit to determine whether Angel Jensen, by continually allowing a building setback violation on property identified as Map 12, Parcel 21.01, is subject to Roane County Zoning Regulations, and if she is, petitioning the court to enforce the same by granting injunctive and other relief.

THEREFORE, BE IT RESOLVED:

The county attorney is authorized to file a lawsuit to determine whether Angel Jensen, by continually allowing a building setback violation on property identified as Map 12, Parcel 21.01, is subject to Roane County Zoning Regulations, and if she is, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by **Commissioner Collier**, seconded by **Commissioner Moore**.

The following commissioners voted Aye; **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Granger, Johnson, Kelley, Moore, Nelson, Tedder (14)**

The following Commissioner passed: **-0-**

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

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

See attachment

Resolution # 10-12-03Z

Authorizing the County Attorney to file a lawsuit regarding overgrown vegetation/accumulated debris on property owned by Roy Rule, Map 111JH, GRP B, Parcel 21.00.

WHEREAS, Roane County, Tennessee adopted regional zoning by adoption of Resolution #2109 on May 4, 1990.

WHEREAS, After the adoption of a regional plan, Roane County Zoning Regulations provides that conditions of overgrown vegetation/accumulated debris such as to endanger the health, safety, and welfare of other citizens, or encourage the infestation of rats and other harmful animals must be abated.

WHEREAS, Roy Rule has violated Resolution #2709, by continually allowing conditions of overgrown vegetation/accumulated debris on property identified as Map 111H, Gp. B, Parcel 21.00.

WHEREAS, the Roane County Planning Commission recommends that the County Attorney be authorized to file a lawsuit to determine whether Roy Rule, by allowing overgrown vegetation/accumulated debris on property identified as Map 111H, Gp. B, Parcel 21.00 and has generated complaints by neighboring property owners, is subject to Roane County Zoning Regulations, and Resolution #2709, and if he is, petitioning the court to enforce the same by granting injunctive and other relief.

THEREFORE, BE IT RESOLVED:

The county attorney is authorized to file a lawsuit to determine whether Roy Rule, by continually allowing overgrown vegetation/accumulated debris on property designated as Map 111H, Gp. B, Parcel 21.00 is subject to Roane County Zoning Regulations, and Resolution #2709, and if he is, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by **Commissioner Granger**, seconded by **Commissioner Tedder**.

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

The following Commissioner passed: **-0-**

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

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

See attachment

OLD BUSINESS:

Resolution # 09-12-25

A Resolution to amend the Urban Services Fund (111) to appropriate money for contributions for the Midtown Volunteer Fire Department.

RESOLUTION # 09-12-25

A RESOLUTION to amend the Urban Services Fund (111) to appropriate money for contributions for the Midtown Volunteer Fire Department.

WHEREAS, the Midtown Volunteer Fire Department did not receive the 3rd and 4th quarter contributions from the prior fiscal year, and

WHEREAS, the MVFD has now met all requirements to receive the above mentioned money.

NOW, THEREFORE, BE IT RESOLVED that the Urban Services Fund (111) be amended as follows:

Fund	Account No.	Description	Current Bgt	Amend	Amend Bgt
Expenditure					
		Fire Prevention & Control			
111	316-FIRST	Contributions	24,000	12,000	36,000
Fund Balance					
111	34525	Restricted for Public Safety	537,602	(12,000)	525,602
to reappropriate money for Midtown Fire Dept.					

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Upon motion of **Commissioner Johnson**, seconded by **Commissioner Tedder**.

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

No: **-0-**

Passed: **-0-**

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

Resolution # 09-12-26

A Resolution adopting a Roane County Capital Policy.

WHEREAS, Roane County adopted their first Capital Policy in 2011 with the adoption of resolution 03-11-22, and

WHEREAS, a Capital Policy is necessary for the continuing planning process and long term viability of government operations, and

WHEREAS, the purpose of a Capital Policy is:

- To establish future capital needs
- To provide for those needs without issuing debt whenever possible
- To establish replacement schedules for capital items where possible

WHEREAS, minor changes are recommended to the 2011 policy specifically the deletion of reference to Highway and School operating budget of January 2011 noted on attachment A.

NOW, THEREFORE, BE IT RESOLVED that the attached Roane County Capital Policy is hereby adopted.

BE IT FURTHER RESOLVED that this capital policy is a replacement policy for the one previously adopted under resolution 03-11-32.

BE IT FURTHER RESOLVED that it shall be the intent of the Roane County Commission to follow and adhere to this policy during budget preparation, adoption, and amending.

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

passed: **-0-**

No: **-0-**

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

See attachment

Resolution # 09-12-27

A Resolution to amend the General Fund (101) to re appropriate grant money for projects that overlap fiscal years.

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

WHEREAS, Roane County appropriated several grants in the prior fiscal year that do not expire until sometime during the current fiscal year, and

WHEREAS, Roane County waited until the close of the prior fiscal year to have better estimates of revenues and expenditures related to the grants.

NOW, THEREFORE, BE IT RESOLVED that the General Fund (101) be amended as follows:

SEE ATTACHED WORKSHEET

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

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

No: **-0-** Passed: **-0-**

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

See attachment

NEW BUSINESS:

Resolution # 11-12-01

Authorizing Roane County to refund to Thomas Earle Cole Trust the sum of \$804.00

The Resolution was deferred 30 days without objection.

Resolution # 11-12-02

To place in surplus certain Roane County Vehicles.

The resolution was deferred to the Property Committee without objection.

Resolution # 11-12-03

Adjusting the capitalization threshold for fixed assets from \$5,000 to \$10,000 per asset.

WHEREAS, the Governmental Accounting Standard Board Statement #34 requires tracking and depreciation of fixed assets, and

WHEREAS, Roane County adopted resolution 10-99-05 which set the threshold for a fixed asset capitalization at \$5,000, and

WHEREAS, the Comptroller's Office has suggested that this threshold be raised to \$10,000.

NOW, THEREFORE, BE IT RESOLVED that Roane County shall raise the threshold to \$10,000 for assets to be considered fixed assets to be recorded in the fixed asset system and to have depreciation applied to them on an annual basis.

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

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

No:-0- Passed:-0-

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

Resolution # 11-12-04

A Resolution identifying and disclosing previously approved in kind contribution to non-profit charitable organizations of Roane County, Tennessee for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

WHEREAS, Roane County provides cash appropriations to several non-profits, and

WHEREAS, Roane County also provides several in-kind contributions to non-profits, and

WHEREAS, these in-kind contributions should be disclosed the same as cash contributions.

WHEREAS, the Accounting Department has determined that the estimated square foot rental value for 2013 is \$30,636, and

WHEREAS, a rental value of \$1.00 per square foot per month includes the cost of utilities and calculates to an in-kind contribution totaling \$18,636.

NOW, THEREFORE, BE IT RESOLVED that the following in-kind contributions are made

Non Profit	Location	Sq. Foot	Utilities	Rent Paid	Total In Kind Donation
CASA	C'house 3rd Floor	165	paid by county	-	1,980
RCADC	C'house 2nd Floor	154	paid by county	-	1,848
MECAA	Health Dept. Bldg	2,234	paid by county	12,000	14,808

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

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

No:-**0**- Passed: **-0-**

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

See attachment

Resolution # 11-12-05

To amend the General Fund (101) to receive and appropriate a grant from the State of Tennessee to promote Diabetes awareness among our youth.

WHEREAS, Roane County has been awarded a \$10,000 no match grant, and

WHEREAS, this grant will be administered by the Health Department in conjunction with Roane County Schools.

NOW, THEREFORE, BE IT RESOLVED that the General Fund (101) be amended as follows:

Fund	Account No.	Description	Current Bgt	Amend	Amend Bgt
Revenue					

101	46980	DIABT	Other State Grants	-	10,000	10,000
Expenditure						
	Other Local Health Services					
101	55190	140- DIABT	Salary Supplements	-	2,200	2,200
101	55190	355- DIABT	Travel	-	200	200
101	55190	499- DIABT	Other Supplies and Materials	-	<u>7,600</u>	7,600
					<u>10,000</u>	

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

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

No: **-0-** Passed: **-0-**

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

Resolution # 11-12-06

To amend the General Fund (101) to appropriate money to provide fire extinguishers for county vehicles and equipment where necessary along with automatic external defibrillators for county buildings.

WHEREAS, Roane County has begun an extensive review of Risk Management operations of County Government, and

WHEREAS, fire extinguishers in vehicles and on equipment such as mowers, tractors, etc. are a safety necessity, and

WHEREAS, having Automatic External Defibrillators in county buildings is a safety necessity, and

WHEREAS, the original purchase of this equipment will come from Risk Management; however, replacement of them will be the responsibility of the individual departments.

NOW, THEREFORE, BE IT RESOLVED the General Fund (101) be amended as follows:

Fund	Account No.	Description	Current Bgt	Amend	Amend Bgt
Expenditure					
	Risk Management				
101	51920 790	Other Equipment	0	25,000	25,000
101	Miscellaneous				
	58900 516	Other Self Insured Claims	70,000	(25,000)	45,000
		Purchase fire extinguishers and AEDs			

Upon motion of **Commissioner Ellis**, seconded by **Commissioner Tedder**.

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

No: **-0-** Passed: **-0-**

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

See attachment

Resolution # 11-12-07

To amend the General Capital Fund (171) subfund Courthouse and Jail Maintenance (CHJ) reducing the appropriation related to the old jail project as the renovation nears completion and to appropriate money to purchase additional property behind the new jail.

WHEREAS, work on renovations at the old jail is nearly completion and has come in under budget, and

WHEREAS, Roane County desires to continue the purchase of property between Park Street and 4th Street, and

WHEREAS, three (3) properties remain and it is the county's preference to purchase property nearest the courthouse first, if available and within appraisal value; however, funds are appropriated for any of the three (3) parcels.

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

Fund No.	Account No.	Description	Current Bgt	Amend	Amend Bgt
CHJ - Courthouse and Jail					
	Expenditure				
	707-	Building			
171	91110	Jail Improvements	70,133	(40,000)	30,133
171	91190	715 Land	118,757	40,000	158,757
Purchase Property behind new jail					

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

The following Commissioners voted Aye: **Bacon, Brummett, Cantrell, Collier, East, Ellis, Forrester, Granger, Johnson, Kelley, Moore. (11)**

No: **Berry, Tedder (2)**

Passed: **-0-**

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

Resolution # 11-12-08

A RESOLUTION ADOPTING THE 2012 INTERNATIONAL BUILDING CODES (IBC) FOR ROANE COUNTY, TENNESSEE WITH AMENDMENTS TO SECTIONS AS DESCRIBED HEREIN.

WHEREAS, a copy of the IBC is on file in the Roane County Clerk's Office, being designated as the 2012 International Building Codes;

WHEREAS, the Roane County Building Inspector, Code and Review Committee have forwarded recommendations to the Board of County Commissioners regarding the adoption of said codes for

Roane County, Tennessee amending Section N1102.3, and shall take effect and be in full force beginning January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Roane County Commission that the 2012 International Building Codes (IBC) for Roane County, Tennessee, be adopted, amending Section N1102.3, and shall take effect and be in full force beginning January 1, 2013.

Upon motion by **Commissioner Cantrell**, seconded by **Commissioner Forrester**, the following commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Granger, Johnson, Kelley, Moore, Tedder (13)**

The following Commissioner Passed: **-0-**

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

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

Resolution # 11-12-09

A RESOLUTION ADOPTING THE 2012 INTERNATIONAL RESIDENTIAL CODES (IRC) FOR ROANE COUNTY, TENNESSEE WITH AMENDMENTS TO SECTIONS AS DESCRIBED HEREIN.

WHEREAS, a copy of the IRC is on file in the Roane County Clerk's Office, being designated as the 2012 International Residential Codes;

WHEREAS, the Roane County Building Inspector, Code and Review Committee have forwarded recommendations to the Board of County Commissioners regarding the adoption of said codes for Roane County, Tennessee, amending Section N1102.3, and shall take effect and be in full force beginning January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Roane County Commission that the 2012 International Residential Codes (IRC) for Roane County, Tennessee, be adopted, amending Section 903.2.8, and shall take effect and be in full force beginning January 1, 2013.

Upon motion by **Commissioner Forrester**, seconded by **Commissioner Cantrell**.

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

The following Commissioner Passed: **-0-**

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

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

Resolution # 11-12-10

To amend permit fees for Residential Mechanical Permits.

This resolution was withdrawn without objection.

Resolution # 11-12-11

To amend permit fees for Commercial Mechanical Permits.

This resolution was withdrawn without objection.

Motion duly made by **Commissioner Moore** with second by **Commissioner Tedder**, the October 19, 2012 meeting stood adjourned at 9:05 P.M.

APPROVED:

Chairman James Brummett

Attest:

County Clerk Barbara J. Anthony