

**MINUTES  
ROANE COUNTY COMMISSION  
REGULAR MEETING  
May 11, 2015**

**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 11<sup>th</sup> day of May, 2015 at 7:00 P.M.

The Commission was called to order by **Bailiff Jerry White**.

Invocation was given by **Commissioner Hooks**.

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

Present and presiding was the Honorable **James Brummett**, and the following Commissioners: **Bell, Berry, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Moore, Meadows (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 **Greg Leffew**, Deputy Clerk **Bobbie Tipton**, Zoning Officer **Kay Christopher** and Building Inspector **Glen Cofer**.

**APPROVE MINUTES OF THE APRIL 13, 2015 MEETING**

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

Motion **Passed** upon unanimous voice vote.

**ACCEPTANCE OF COMMITTEE REPORTS AND CORRESPONDENCE:**

1. **Minutes** of Planning Commission 03-18-2015.
2. **Minutes** of Board of Education and County Commission joint meeting 04-02-2015.
3. **Minutes** of In-Lieu-of Tax Committee 04-06-2015.
4. **Minutes** of Budget Committee 04-06-2015.

5. **Minutes** of Solid Waste Advisory Board 04-07-2015.
6. **Minutes** of Tourism Committee 04-07-2015.
7. **Minutes** of Emergency Services 04-09-2015.
8. **Minutes** of Risk Management Committee 04-09-2015.
9. **Minutes** of Fire Board 04-14-2015.
10. **Minutes** of Industrial Liaison Committee 04-16-2015.
11. **Minutes** of Budget Committee 04-16-2015.
12. **Minutes** of Building Inspector, Codes, and Review Committee 04-20-2015.
13. **Minutes** of Beer Board 03-31-2015, 04-14-2015.
14. **Minutes** of Beer Board 04-04-2015.
15. **Minutes** of Road Committee 04-23-2015.
16. **Letter** from Department of Commerce and Insurance, Contract Inspection Services Section to Glen Cofer in reference to the completion of onsite audit process 04-14-2015.
17. **Memorandum** from Executive Woody re: public notices for commission committee meetings to be sent by electronic mail only in favor of cost reduction 04-30-2015.
18. **Letter** from Executive Woody about the ThreeStar Program and Debt Management PolicyP 02-20-2015.
19. **Letter** from ECA Chair and Councilman Chuck Smith to the Honorable Ernest Moniz, Secretary of the US Department of Energy re: Establish a Community Adjustment and Economic Diversification Planning Assistance Program for DOE Host Sites 03-31-2015.
20. **Letter** from the Department of Commerce and Insurance, Financial Affairs Section to Lynn Farnham re: Surety Deposit for Self-Insurers 03-31-2015.
21. **Memorandum** to State Board of Equalization from Comptroller of the Treasury re: Update Regarding the Roane County Reappraisal 04-01-2015.
22. **Memorandum** to State Board of Equalization from Comptroller of the Treasury re: Update Regarding the Roane County Reappraisal 04-21-2015.
23. **Letter** from the Comptroller of the Treasury in reference to the County's Review and Working Capital Recommendation for Ambulance Service Fund, County Road Fund, and General Purpose School Fund. 04-07-2015.
24. **Letter** from Tennessee Emergency Management Agency re: FEMA-4189-DR-TN costs and damages 04-09-2015.
25. **Letter** to Department of Environment and Conservation from RCERB re: Review of TVA Kingston Fossil Plant Coal Ash Release Natural Resource Damage Assessment Restoration and Compensation Determination Plan 04-13-2015

26. **Letter** from Executive Woody re: Community Investment Fund (CIF) "Initiative to Grow" budget planning. 04-13-2015.
27. **Letter** from Executive Woody re: Natural Resource Trustee Program (NRT) "Initiative to Grow" proposed projects to enhance environmental conditions and recreational opportunities for Roane County citizens. 04-13-2015.
28. **Letter** from Executive Woody to Honorable State Senator Ken Yager and Honorable State Representative Kent Calfee re: Designation of Tennessee State Highway 58/95/61 from Interstate 40 to Interstate 75 as "Tennessee's Innovation Corridor" 04-17-2015.
29. **Letter** from Executive Woody to Chief Randy Scarborough of Midtown Volunteer Fire Department re: TVA lease of land for new fire station at Swan Pond 04-20-2015.
30. **Letter** from Bryan A. Crawley of Midtown First District Volunteer Fire Dept. re: Removal of Legal Council, for Conflict of Interest/Cease and Desist 04-05-2015.
31. **Audit report** from the Department of Health, Office of Emergency Medical Services for the year 2014 04-23-2015.
32. **Amendment** to Roane County Clerk's Office Personnel Policy re: Transfer of Vacation Leave 04-30-2015.
33. **Proclamation** by Executive Woody declaring April, 2015 to be "Child Abuse Prevention Month" 04-01-2015.
34. **Proclamation** by Executive Woody declaring May 7, 2015 to be the Roane County "National Day of Prayer" 04-29-2015.
35. **Proclamation** by Executive Woody declaring May 2, 2015 to be "Relay for Life Day" 04-29-2015.

Motion to accept was made by **Commissioner Hooks** with second by **Commissioner Johnson**.

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: Paula D. Frost, Brian S. Burnham, Robert S. Branum, Scherel Elaine Castleman, Elizabeth A. Kincaid, Darrin Mossing, Kelly D. Adams, Rhonda Mossing, Brian K. Bagwell, Karia Cooke, Hannah Smith, Thomas G. Goldston, and Kathy S. Jackson.

**MOTION** to accept was made by **Commissioner East** with second by **Commissioner Berry**.

Motion **Passed** upon unanimous voice vote.

**HEARING OF DELEGATION:**

**Roberta Dennis** addressed the Commission to commend Property Assessor David Morgan on his performance as a county official.

**Gary Johnston** addressed the Commission to promote his stance as a political member of the Tea Party and his concern about Islam being taught to America's youth via the school systems.

**Mike McElhaney** addressed the Commission to acknowledge the closing of the Henry Center and Michael Dunn School due to budget issues.

**Justin Thomas** addressed the Commission as a representative of the Agriculture Extension office to announce the immediate completion of the newly remodeled building. Mr. Thomas extended an invitation to the County Commission to come and view the new Extension Office.

**COUNTY ATTORNEY'S REPORT: No Report**

**COUNTY EXECUTIVE'S REPORT:**

**2016 Budget work update:**

- This Tuesday, May 12<sup>th</sup>, we have a budget meeting from 5 to 7 pm.
- This Thursday, May 14<sup>th</sup>, we start at 9am with the schools coming at 10am. We will try to finish up the balance of the County General Fund.
- Monday, June 1<sup>st</sup>, we hope to have the Budget Public Hearing, Budget Committee and then a Commission Work Session.
- Monday, June 8<sup>th</sup>, we hope to have the budget ready for commission consideration.

Here are some of our issues:

1. Completing our review work

2. Decision on consolidation of and forming a Planning Department with our cities and GIS Department with a change in administration from the Property Assessor to a new department.
3. Approval of the 2020 Reappraisal Plan.
4. Potential tax increase
5. Completion of reappraisal and having a certified tax rate.

**Correspondence #23:**

A Roane County Economic Foundation meeting was held on Tuesday, May 5, 2015 at which time the marketing plans and some municipal recreation improvements were approved by the members. The Foundation's purpose has been fulfilled and the Foundation has closed.

**Tiger Haven:**

On Wednesday, May 6, 2015, Scott Stout and I toured Tiger Haven with several TWRA officers and two (2) TWRA Commissioners, Cannon from Loudon County and Watson from Hamilton County.

**Calendar Items:**

TCSA Post-Legislative Conference is June 3-5 in Pigeon Forge. Tomorrow is the last day to register, contact Melanie.

TCSA Fall Conference is October 7-9 in Murfreesboro. Let Melanie know if you want to attend. We will not be sending out any more paper notices to our commissioners who have email addresses. You will be receiving each Monday, a list of committee meetings for that week and other calendar events.

**Other Items:**

Next month we plan to file a report on the status of nuisance claims and zoning violations.

**Correspondence #21 & #22:**

The Property Assessor software vendor has requested a meeting with me this week to discuss the reappraisal status of Roane County. I will talk with the State about the status of the reappraisal during the week also. I will try to send out an email regarding these meetings.

**Recommendations:**

Commission consider adopting the Community Investment Fund (CIF) proposal as found in

**Correspondence #26.**

Commission consider forming a Planning Department by mutual agreements with cities including consolidating the GIS employees into a Planning Department.

**SPECIAL ORDERS:**

**Resolution # 05-15-01**

**WHEREAS, the Oliver Springs Lady Cats basketball team for their winning performance and;**

**WHEREAS, the Oliver Springs Lady Cats basketball team finished the season first in District 4-A, and;**

**WHEREAS, the Oliver Springs Lady Cats excelled in post-season play, winning the District 4-A tournament, the Region 2-A tournament and the Sub-State Division 1 Class A playoff game, and;'**

**WHEREAS, the Oliver Springs Lady Cats basketball team played in the final four of the TSSAA Class A State Basketball Tournament this year; and**

**WHEREAS, Coach Christopher is to be commended for her ability to instill a strong work ethic and a sense of dedication to each other in her players, and;**

**WHEREAS, the Oliver Springs Lady Cats basketball players are to be commended for their efforts and their dedication to the game, and;**

**WHEREAS**, it is altogether fitting and proper that the **Oliver Springs Lady Cats** basketball team be honored for its performance on the basketball court in season play and in post-season play.

**NOW, THEREFORE, BE IT RESOLVED**, that the Roane County Commission does hereby honor the **OLIVER SPRINGS LADY CATS BASKETBALL TEAM** for their winning performance.

**BE IT FURTHER RESOLVED** that a copy of this resolution be presented to Michael Christopher, head coach of the Oliver Springs Lady Cats basketball team.

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

Motion **Passed** upon unanimous voice vote.

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

**Appointment of Mr. Dennis Wilson to Environmental Review Board due to the resignation of R.L. Pope. New term expires 07/30/18.**

Motion to appoint Mr. Dennis Wilson was made by **Commissioner Granger** with second by **Commissioner Moore**.

Motion **Passed** upon unanimous voice vote.

**Reappointment of Mr. Wayne Fox as 3<sup>rd</sup> District representative to Board of Zoning Appeals due to expiration of term. New term will expire May 2020.**

Motion to reappoint Mr. Wayne Fox was made by **Commissioner Hooks** with second by **Commissioner Ellis**.

Motion **Passed** upon unanimous voice vote.

**Reappointment of Mr. R.J. Malone as 3<sup>rd</sup> District alternate representative to Board of Zoning Appeals due to expiration of term. New term will expire May 2020.**

Motion to reappoint Mr. R.H. Malone was made by **Commissioner Hooks** with second by **Commissioner Ferguson**.

Motion **Passed** upon unanimous voice vote.

**Appointment of Mr. Tom Bowman as 5<sup>th</sup> District representative to Board of Zoning Appeals due to vacancy caused by passing of Mr. Pete Wright. Mr. Malone will serve out the remainder of Mr. Wright's term which expires May 2017.**

Motion to appoint Mr. Tom Bowman was made by **Commissioner Berry** with second by **Commissioner Meadows**.

Motion **Passed** upon unanimous voice vote.

**ZONING RESOLUTIONS:** None

**OLD BUSINESS:** None



**NEW BUSINESS:**

**Resolution # 05-15-02**

A Resolution authorizing the county attorney to file a lawsuit asking the court to declare whether Jennifer Rossie, by allowing a racetrack, go-cart, or other trail racetrack on property designated as Tax Map 109H, Group F, Parcel 12.00, is subject to Roane County Zoning Regulations, and if she is, partitioning the court to enforce the same by granting injunctive and other relief.

**WHEREAS**, Roane County, Tennessee adopted regional zoning by adoption of Resolution #2101 on May 4, 1990.

**WHEREAS**, said property is located in an R-1 (Low Density Residential) District.

**WHEREAS**, Jennifer Rossie, having failed to comply with Roane County Zoning Regulations by allowing a racetrack, go-cart or other trail racetrack on property designated as Tax Map 109H, Group F, Parcel 12.00 on her property, 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 Jennifer Rossie is allowing a racetrack, go-cart or other trail racetrack on property designated as Tax Map 109H, Group F, Parcel 12.00, and if she is, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by **Commissioner Hooks**, seconded by Commissioner **Henderson** The following commissioners voted Aye: **Berry, Brummett, Collier, East, Ellis, Ferguson, Granger, Hooks, Johnson, Kelley, Meadows, (12)**

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

The following commissioners voted No: **Bell, Fink, Moore (3)**

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

**See attachment**

**Resolution # 05-15-03**

A Resolution authorizing the county attorney to file a lawsuit asking the court to declare whether Charles Green, by operating a junkyard and/or outdoor storage/salvage operation on property designated as Tax Map 71, Parcel 29.00 is subject to Roane County Zoning Regulations, and if he is, partitioning the court to enforce the same by granting injunctive and other relief.

**WHEREAS,** Roane County, Tennessee adopted regional zoning by adoption of Resolution #2101 on May 4, 1990.

**WHEREAS,** said property is located in an A-2 (Developing Agricultural) District.

**WHEREAS,** Charles Green, having failed to comply with Roane County Zoning Regulations by operating a junkyard-outdoor storage/savage operation in a Developing Agricultural District on property designated as Map 71, Parcel 29.00 is subject to Roane County Zoning Regulations, 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 Charles Green is operating a junkyard-outdoor storage/savage operation on property designated as Map 71, Parcel 29.00 is subject to Roane County Zoning Regulations, and if he is, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by **Commissioner Moore**, seconded by **Commissioner Bell**

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The following commissioners voted Aye: **Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Johnson, Kelley, Meadows, Moore (13)**

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

The following commissioners voted No: **Bell, Hooks (2)**

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

See attachment

**Resolution # 05-15-04**

**A Resolution authorizing the county attorney to file a lawsuit regarding the property of Mark Stair, c/o Stephanie Stair, by violating Roane County Zoning Regulations regarding a building setback violation on property identified as Map 38P, Group C, Parcel 7.02.**

**WHEREAS**, Roane County, Tennessee adopted regional zoning by adoption of Resolution #2101 on May 4, 1990,

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

**WHEREAS**, Mark Stair, c/o Stephanie Stair, has violated Roane County Zoning Regulations, Resolution #2101, by continually allowing a building setback violation on property identified as Map 38P, Group C, Parcel 7.02.

**WHEREAS**, the Roane County Planning Commission recommends the County Attorney be authorized to file a lawsuit to determine whether Mark Stair, c/o Stephanie Stair, by continually allowing a building setback violation on property identified as Map 38P, Group C, Parcel 7.02, are subject to Roane County Zoning Regulations, Resolution #2101, 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 Mark Stair, c/o Stephanie Stair, by continually allowing a building setback violation on property identified as Map 38P, Group C, Parcel 7.02, are subject to Roane County Zoning Regulations, and Resolution #2101, and if they are, petitioning the court to enforce the same by granting injunctive and other relief.

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

The following commissioners voted Aye: **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, Moore. (15)**

The following Commissioners 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 # 05-15-05**

**A Resolution to place in surplus certain Highway Department vehicles and equipment as listed on the attached sheet dated 4/29/2015 and entitled Highway Department, Surplus Vehicles and Equipment**

**WHEREAS**, the vehicles and equipment of the attached list have been determined to be surplus, and

**WHEREAS**, the Highway Department now seeks to have said vehicles declared surplus and

**WHEREAS**, these vehicles will be made available to other county offices prior to advertising them for sale.

**NOW, THEREFORE, BE IT RESOLVED** that the vehicles and equipment on the attached list dated 4/29/15 and entitled Highway Department Surplus Vehicles and Equipment are hereby declared surplus property and may be disposed of in accordance with TCA 5-14-108.

**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 I t.

UPON MOTION OF **Commissioner Ellis**, seconded by **Commissioner Kelley**.

The following Commission voted Yes: **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, Moore (15)**

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

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

**Thereupon**, the County Commission Chairman announced to the Commission that said resolution had received a constitutional majority and orders same spread of record.

See attachment

**Resolution # 05-15-06**

**A Resolution to amend the General Fund (101) due to better estimates of revenues and expenditures.**

**IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

**WHEREAS**, several revenues are coming in better than expected, and

**WHEREAS**, a no match tobacco cessation grant needs to be accounted for, and

**WHEREAS**, several expenditures need to have significant shifts due to bid price changes and weather anomalies.

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

Upon motion of **Commissioner Collier**, seconded by **Commissioner Berry**

The following Commissioners voted Aye **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, Moore (15)**.

No: **-0-**      Passed: **-0-**

**THEREUPON**, the Chairman announced that said Resolution has received a constitutional majority and ordered same spread of record.

**SEE ATTACHED SHEET**

Resolution # 05-15-07

A Resolution to amend the Highway Fund (131) to provide for additional expenditures based on better estimates.

**WHEREAS**, several revenues have come in over budget, and

**WHEREAS**, expenditures related to the ice storm must be covered and reimbursement is not anticipated until next fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** that the Highway Fund (131) be amended as follows:

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

The following Commissioners voted Aye: **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, Moore (15)**

No:-0-            Passed: -0-

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

**SEE ATTACHED SHEET**

**Resolution # 05-15-08**

A Resolution authorizing the Roane County Executive and the Roane County Road Superintendent to enter into an Interlocal Cooperation Agreement with the Rockwood Water, Sewer, and Natural Gas Department.

**WHEREAS**, Resolution 2-15-07 authorized the Roane County Executive and Roane County Road Superintendent to enter into an Interlocal Cooperation Agreement with any City within Roane County on behalf of the Roane County Highway Department.

**WHEREAS**, said Resolution also approved a form agreement. Paragraph 3 of said form agreement required the County and the Municipality to each pay 50% of repairs to equipment that breaks down when loaned out, and 50% of the costs of maintenance required by equipment during the period it is loaned out.

**WHEREAS**, The Rockwood Water, Sewer and Natural Gas Board approved an Interlocal Agreement with a modified Paragraph 3. Said agreement is attached hereto and states that when loaned equipment breaks down or needs maintenance while being loaned out, the borrower and the lender will enter into good-faith negotiations to determine the responsibility for the repair or maintenance costs, considering the condition of the equipment when loaned out and the activity it was being used for at the time it needed repairs or maintenance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Roane County Commission does hereby authorize the Roane County Executive and Roane County Road Superintendent to enter into an Interlocal Cooperation Agreement with the Rockwood Water, Sewer and Natural Gas Department, as detailed in the attached agreement.

**Motion** to adopt was made by **Commissioner Berry**, and seconded by **Commissioner Bell**.

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

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

**See Attachment**



**Resolution # 05-15-09**

**A Resolution authorizing the County Executive to enter into a payment in lieu of Taxes (PILOT) agreement between Roane County, Tennessee, and the Town of Crossville Housing Authority.**

**WHEREAS**, Crossville Housing Authority is the owner of certain real property consisting of 8.17 acres, more or less, located on Brown West Drive in Rockwood, Tennessee, known as Russell Park Apartments; and

**WHEREAS**, Crossville Housing Authority is a public housing authority created pursuant to the Tennessee Nonprofit Corporation Act, *Tennessee Code Annotated § 48-51-101, et seq.*

**WHEREAS**, pursuant to *Tennessee Code Annotated § 67-5-206*, the property of all housing authorities are exempt from all taxes and special assessments imposed by Roane County. However, in lieu of such taxes or special assessments, the housing authority must agree to make payments to Roane County for the benefit of the housing project owned by the housing authority. However, those payments shall not exceed the estimated cost to Roane County for the services, improvements or facilities to be furnished to said housing project.

**WHEREAS**, the Roane County Commission previously adopted Resolution 08-14-10, authorizing the County Executive to enter into a joint PILOT agreement with the City of Rockwood, Tennessee, and Crossville Housing Authority. However, the City of Rockwood, Tennessee, did not approve said joint agreement and executed its own, separate, agreement with Crossville Housing Authority.

**WHEREAS**, Roane County is now required to enter into another agreement with Crossville Housing Authority pertaining only to Roane County, and Crossville Housing Authority.

**WHEREAS**, the attached agreement confers upon Roane County the same obligations and benefits of the original agreement approved by Roane County Commission through Resolution 08-14-10.

**NOW, THEREFORE, BE IT RESOLVED** by the Roane County Commission that Resolution 08-14-10 is hereby rescinded.

**FURTHER BE IT RESOLVED** by the Roane County Commission that the Roane County Executive is hereby authorized to enter into the attached agreement.

Upon motion of **Commissioner Kelley**, seconded by **Commissioner Collier**, the following **Commissioners** voted aye: **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, Moore (15)**.

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

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

**THEREUPON**, the County Chairman announced to the Commission that said Resolution has received a constitutional majority and ordered the same to be spread of record.

**Resolution # 05-15-10**

**A Resolution authorizing the County Attorney to file a lawsuit regarding the Shell Fleet Plus Card Account.**

**WHEREAS**, Roane County Government has a Shell Fleet Plus Card Account for fuel purchases.

**WHEREAS**, said fuel purchases are exempt from taxation because Roane County, the purchaser, is a governmental entity.

**WHEREAS**, from December 31, 2013 through April 9, 2014, Shell charged the County taxes on said fuel purchases.

**WHEREAS**, after being notified of its error, Shell stopped charging the County taxes on fuel purchases. However, Shell has refused to reimburse Roane County for the taxes collected between December 31, 2013 through April 9, 2014.

**WHEREAS**, County Purchasing Agent Lynn Farnham has been instructed by the taxing authority that the taxing authority cannot refund those taxes to Roane County.

**WHEREAS**, on April 5, 2015 CitiCards reported to Experian Business Information Services that Roane County was delinquent on its Shell Fleet Plus Card Account in the amount of \$3,144.13. Said amount represents the fuel taxes that Shell should not have collected. Roane County deducted said amount from a previous payment on the Shell Fleet Plus Card Account.

**WHEREAS**, efforts to resolve this matter have failed.

**NOW, THEREFORE, BE IT RESOLVED** that the Roane County Attorney is hereby authorized to file a suit against Shell, CitiCards, Experian, and any other necessary party to resolve this issue, to obtain a credit on said Shell Fleet Plus Card Account for all taxes wrongfully charged to Roane County and to cause all reports of said wrongfully assessed deficiency to be removed.

Motion to adopt was made by **Commissioner Moore**, seconded by **Commissioner Bell**.

Motion **Passed** upon unanimous voice vote.

**Thereupon,** the County Chairman announced to the Commission that said Resolution has received a constitutional majority and ordered the same to be spread of record.

**Resolution # 05-15-11**

A Resolution authorizing the Roane County Executive to enter into an agreement with the State of Tennessee Department of Transportation for Improvement to the Mountain View Road railroad crossing DOT No. 731-082C.

**WHEREAS,** the Tennessee Department of Transportation has appropriated \$16,202.55 for improvements to Mountain View Road Railroad crossing DOT 731-082C, near Harriman. Authorized improvements will include the following:

1. Install 24 inch wide stop lines eight feet from gate arms
2. Install grade crossing advance warning signs
3. Remove existing grade crossing pavement markings and replace
4. Install supplementary set of grade crossing pavement markings
5. Install 24 inch stop line
6. Install edge lines
7. Extend pipe for installation of lights and gates
8. Paving

**WHEREAS,** Roane County is required to construct said improvements with the Tennessee Department of Transportation to reimburse the costs up to \$16,202.55. A proposed contract between TDOT and Roane County is attached, and has been approved as to form by the County Attorney.

**WHEREAS,** improving said crossing would be in the best interest of Roane County

**NOW, THEREFORE, BE IT RESOLVED,** that the Roane County Commission does hereby authorize the Roane County Executive and Roane County Road Superintendent to enter into the attached contract with the Tennessee Department of Transportation.

Motion to adopt was made by **Commissioner Fink** and seconded by **Commissioner Granger**.

The following Commissioners voted aye: **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, Moore (15)**

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

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

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

See attachment

Motion duly made by **Commissioner** with second by **Commissioner** the May 11, 2015 meeting stood adjourned at 8:50 P.M.

**APPROVED:**

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**Chairman James Brummett**

**ATTESTED:**

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**County Clerk Barbara J. Anthony**