

**MINUTES
ROANE COUNTY COMMISSION
REGULAR MEETING
DECEMBER 11, 2017
STATE OF TENNESSEE**

BE IT REMEMBERED that the County Commission of Roane County, Tennessee convened in regular session in Kingston, Tennessee on the 11th day of December, 2017.

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 **Ron Berry**, and the following Commissioners: **Bell, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Moore, and Meadows. (15)**

Absent: (0)

THEREUPON, Chairman Berry announced the presence of a quorum.

Also present was the Honorable **Ron Woody**, County Executive, Budget Director **Connie Aytes**, County Attorney **Greg Leffew**, and Deputy Clerks **Bobbie Tipton** and **Ariel Smith**.

APPROVE MINUTES OF THE NOVEMBER 13, 2017 MEETING:

MOTION to approve was made by **Commissioner Meadows**, with second by **Commissioner Moore**.

Upon roll call vote, the following Commissioners voted **Aye: Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, and Moore. (15)**

The following Commissioners **Passed: (0)**

The following Commissioners voted **No: (0)**

THEREUPON, the Chairman announced that the Minutes were **approved**.

ACCEPTANCE OF COMMITTEE REPORTS AND CORRESPONDENCE:

1. **Minutes** of Environmental Review Board 10-05-17.
2. **Minutes** of Public Utility Board 10-16-17.
3. **Minutes** of Planning Commission 10-18-17.
4. **Minutes** of Road Committee 10-19-2017.
5. **Minutes** of Codes Enforcement Review Board 10-23-17.
6. **Minutes** of Emergency Services 11-09-17.
7. **Minutes** of Fire Board 11-14-17.
8. **Minutes** of Non-Profit Committee 11-18-17.
9. **Letter to Executive Woody** re: Spring City Cable 11-02-17.
10. **Letter to Director of Accounts Aytes** re: Roads 11-22-17.
11. **State of TN Mandate** re: Roy Zumstein v Roane County, Executive /Mayor, Assessor of Property & Trustee.

12. Order re: Roane County v Charles A. Latham.

MOTION to accept was made by **Commissioner Granger** with second by **Commissioner Hooks**.

MOTION **Passed** upon unanimous voice vote.

NOTARIES: The following persons desiring to be elected as a Notary Public in Roane County were presented by Deputy Clerk **Ariel Smith**:

Nicholas Huntley Armes	J. Patrick Henry
Steven R. Bandy	Whitney Hill
Charles M. Barger	Jane R. Long
Amber B. Carella	Heather Messer
Lyndsay Collins	Jessica Nelson
Chelsey Davis	Billy V. Snook
Becky Devaney	Rebecca Tapp
Paula C. Dickerson	Kathy Tilley
Miranda A. Gordon	Bobbie E. Tipton
Amy B. Hall	Ronald Paul Wallace Jr.

MOTION to accept was made by **Commissioner Fink** with second by **Commissioner Moore**.

Upon roll call vote, the following Commissioners voted **Aye**: **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, and Moore. (15)**

The following Commissioners voted **No**: **(0)**

The following Commissioners **Passed**: **(0)**

THEREUPON, the Chairman announced that the Notaries were **approved**.

HEARING OF DELEGATION:

Kristina Casterline of the Roane County UT Extension office addressed the Commission to spread awareness about Roane's recent achievement as a "healthier Tennessee county" as designated by the governor. Casterline highlighted The Roane County Health Council becoming more active to promote a healthier community through nutrition, tobacco cessation, physical activity, healthy habits in the workplace, etc. and encouraged involvement. In addition, Casterline issued flyers informing of a Breast Cancer Awareness event at the Free Medical Clinic on January 10.

John Dennis addressed the Commission to express his appreciation for civil servants as well as the Commission and to comment on the holiday season. Dennis closed with the "Battle Hymn of the Republic."

COUNTY ATTORNEY'S REPORT: Attorney Leffew waived report.

COUNTY EXECUTIVE'S REPORT:

**County Executive's Report
December 11, 2017**

The Sheriff's Department and I testified before the Tennessee Corrections Institute last week in order to request our jail to be recertified. The meeting was made up of the TCI Board of Control, TCI staff and representatives from the State Fire Marshall's office.

Our jail was recertified. We shared with the board our plan of action which consisted of:

- Appropriation of funds for property acquisition.
- A jail study committee
- Discussion with engineering firm Upland Design to design three pods.

It is the intent of the Executive's Office to brief the Jail Study Committee, and Budget Committee in January as the Property Committee has already been briefed.

SPECIAL ORDERS:

1. Approval of Surety Bond No. 32s10053 (6623490) for Melissa Layne

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

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

The following Commissioners **Passed**: **(0)**

The following Commissioners voted **No**: **(0)**

THEREUPON, the Chairman announced that said motion **passed**.

2. Recognition of the 2017 Volunteer Firefighters of the year.

- Ronnie Roberts, West Roane County.
- Larry Sather, Blair
- Jerry Goodman, South Roane County.
- Craig Stinson, East Roane County.
- Randy Wells, Midtown
- Joshua Taylor, Emergency Services-Fire Division.

Awards presented by Commissioner Todd Fink.

ZONING RESOLUTIONS:

NONE

OLD BUSINESS:

**RESOLUTION NO. 10-17-11 (as amended)
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

A Resolution to adopt an updated property tax incentive program known as a Payment in Lieu of Tax (PILOT)

WHEREAS, Roane County and the City of Oak Ridge have previously adopted a comprehensive property tax incentive program, and

WHEREAS, the program has a sunset provision which is soon to expire, and

WHEREAS, Roane County and the City of Oak Ridge believe it is in the respective governments best interest to be able to offer a PILOT program to eligible applicants, and

WHEREAS, the recommended program guidelines have been approved by the Roane County Industrial Development Board.

NOW, THEREFORE, BE IT RESOLVED that the Roane County Commission does hereby approve the updated tax incentive program attached and identified as:

2017 PILOT Reauthorization Program dated November 06, 2017.

UPON MOTION by Commissioner **Moore** with second by Commissioner **Bell**,

Motion to make amendment and in order to correct the date of Property Tax Incentive Program Policies and Procedures **from 10/4/2017 to 11/6/2017** was made by Commissioner **Kelley**, seconded by Commissioner **Hooks**.

Motion **passed** upon unanimous voice vote.

Motion to approve as amended with original motion standing,

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

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.

See attachment

**RESOLUTION NO. 11-17-07 (as amended)
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

A **RESOLUTION** that amends the November 13th resolution prepared by Darryl Meadows requesting \$12,740 to be paid to the Child Advocacy Center.

WHEREAS, Resolution #09-17-09 allocated a total of \$115,130 of the \$127,870 Budget; and

WHEREAS, Chris Johnson amended the original resolution to reflect the \$10,000 that was approved in the Non-Profit Committee but was not approved by commission at its November meeting. the balance of \$12,740 that remains in code 101-55590-316 is hereby allocated to Child Advocacy Center, the Roane Heritage and the Rescue Squad to help fund their operations, and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Roane County, on this the 11th day of December 2017:

That the additional Non-Profit funding be approved:

<u>Fund</u>	<u>Object/Cost Center</u>	<u>Description</u>	<u>Current BG</u>	<u>Amendment</u>	<u>Ending BG</u>
<u>Increase Expenditure Code:</u>					
	101 55590-316-CAC	Contributions	3,000	2,740	5,740
	101 55590-316-HERTG	Contributions	6,500	5,000	11,500
	101 55590-316-RS	Contributions	19,000	5,000	24,000
<u>Decrease Expenditure Code:</u>					
	101 55590-316	Contributions	12,740	(12,740)	0

UPON MOTION of Commissioner **Kelley** with second by Commissioner **Fink**,

The following Commissioners voted **Aye: Bell, Berry, Brummett, East, Ellis, Ferguson, Fink, Hendrickson, Hooks, Johnson, Kelley, and Moore. (12)**

The following Commissioners **Passed: (0)**

The following Commissioners voted **No: Collier, Granger, and Meadows. (3)**

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

NEW BUSINESS:

**RESOLUTION NO. 12-17-01
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

A RESOLUTION honoring Una Coffman for her services to Roane County

WHEREAS, Una Coffman performed over 500 marriage ceremonies' in Roane County, and;

WHEREAS, Una Coffman was the first woman elected to the Roane County Commission, and;

WHEREAS, Una Coffman served a total of sixteen (16) years on the Roane Commission from 1990-2006 and;

WHEREAS, Una Coffman served as Chairman of the Roane County Commission from 1996-2006, and;

WHEREAS, Una Coffman dedicated fourteen (14) years to Harriman City Hospital as a medical social works where she was chosen as the 1982 Harriman City Hospital Employee of the year, and;

WHEREAS, Una Coffman served on several boards including: The United Way of Roane County; Board of Direction, Roane Imagination Library, and UT National Alumni Association, Board of Directors.

NOW, THEREFORE, IT BE RESOLVED, that the County Commission hereby honor **Una Coffman** for her service to Roane County and her commitment to the Roane County Commission.

BE IT FURTHER RESOVLED that a copy of this resolution be presented to **Una Coffman**.

UPON MOTION of Commissioner **Granger**, seconded by Commissioner **Hooks**,

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

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 NO.12-17-02

IN THE COUNTY COMMISSION FOR ROANE COUNTY TENNESSEE

A RESOLUTION honoring Bobbie Tipton for her service to Roane County

WHEREAS, Bobbie Tipton has served in the County Clerk's Office for 32 1/2 years, and;

WHEREAS, Bobbie Tipton has served as the secretary to the Roane County Commission for 31 1/2 years, and;

WHEREAS, Bobbie Tipton has dedicated much time and effort to the Roane County Commission fulfilling many duties to the Roane County Commission, and;

WHEREAS, Bobbie Tipton has worked approximately 350 County Commission Meetings, and;

WHEREAS, Bobbie Tipton has announced her intent to retire, and;

WHEREAS, it is altogether fitting and proper that her service be honored by the Roane County Commission.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of Roane County Tennessee meeting in regular session on Monday, December 11, 2017 does hereby unanimously honor the service of **Bobbie Tipton** by spreading this resolution across the minutes of this Commission meeting.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to **Bobbie Tipton**

UPON MOTION by Commissioner **Ellis**, second by Commissioner **Hendrickson**, the following Commissioners voted **Aye: Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, and Moore. (15)**

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 NO.12-17-03
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

A RESOLUTION TO PLACE IN SURPLUS certain Roane County vehicles and equipment as listed on the attached sheet dated November 29, 2017 and entitled Surplus Vehicles & Equipment

WHEREAS, the vehicles and equipment on the attached list have been determined to be surplus property to the departments indicated on the attached sheet, and

WHEREAS, the aforementioned departments now seek to have the vehicles and equipment on the attached sheet declared surplus, and

WHEREAS, these vehicles and equipment 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 11/29/2017 and entitled Surplus Vehicles & Equipment* are hereby declared surplus property and may be disposed of in accordance with TCA §5-14-108 or as indicated on the attached sheet.

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 **Kelley**, seconded by Commissioner **Fink**,

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

The following Commissioners **No: (0)**

The following Commissioners **Passed: (0)**

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

See attachment

**RESOLUTION NO. 12-17-04 (as amended)
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

A RESOLUTION establishing the Committees of the Roane County Commission for the period from January 1, 2018 to December 1, 2018

WHEREAS, much of the work and preliminary approval for the Roane County Commission is performed by committees prior to approval by the full Commission; and,

WHEREAS, committee assignments are made by the Committee on Committees which consists of Commissioners Moore, Johnson, East, Hendrickson, and Fink; all appointed by the Commission at the September 2017 meeting; and,

WHEREAS, the Committee on Committees met on December 5, 2017 and unanimously recommends the attached list of committees;

BE IT THEREFORE RESOLVED that the Roane County Commission hereby establishes the attached list of Committees of the Roane County Commission for the period from January 1, 2018 to December 1, 2018.

UPON MOTION of Commissioner **Moore** seconded by Commissioner **Johnson**, resolution established on the floor.

Motion to amend by excluding the Ethics Committee from resolution no. 12-17-04 was made by Commissioner **Kelley** with second by Commissioner **Meadows**.

Motion passed upon unanimous voice vote.

UPON MOTION by original commissioners to **approve as amended**,

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

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 NO. 12-17-05
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

A RESOLUTION TO INCREASE COURT COST, TO PAY COST OF LEGAL REPRESENTATION AND SUPPORT SERVICES PROVIDED INDIGENT DEFENDANTS IN CRIMINAL PROCEDURES

WHEREAS, T.C.A., provides for a public defender to represent indigent persons accused of crime, and;

WHEREAS, T.C.A., 40-14-21-, provides that any county with approval by two thirds (2/3) vote of the county legislative body may require the collection of a twelve dollar and fifty cent (12.50) cost for the purpose of defraying the cost of legal representation and support services provided indigent defendants in criminal proceedings, and;

WHEREAS, T.C.A., 40-14-210, also provides all cost collected pursuant to this section shall be used to provide representation and support services to indigent defendants in criminal proceedings and it will not result in any additional taxes being added to property owners of Roane County, Tennessee, and;

A twelve dollar and fifty cent (12.50) cost shall be collected in all criminal proceedings by the Circuit Court Clerk for the purpose of defraying the cost of legal representation and support services provided indigent defendants in criminal proceedings. The Clerk shall retain a 5% processing fee and the balance shall be transmitted to the Tennessee Public Defenders Conference, 211 seventh avenue suite 320, Nashville, Tennessee.

NOW, THEREFORE BE IT FURTHER RESOLVED that the cost collected by the Clerk of every court having jurisdiction of the state misdemeanors and felonies and shall be used for the Public Defender's Office of the Ninth Judicial Court.

UPON MOTION by Commissioner **Moore**, second by Commissioner **Granger**, the following Commissioners voted **Aye: Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, and Moore. (15)**

The following Commissioners **Passed: Bell (1)**

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 NO. 12-17-06
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

BROADBAND READY COMMUNITIES ORDINANCE RESOLUTION

Whereas, Roane County, Tennessee finds that broadband internet availability in the County is of critical importance to all people living, visiting, and doing business in Roane County, Tennessee, and

Whereas, the Tennessee State Legislature recently created the ability for Tennessee communities to be designated as "Broadband Ready Communities" through the Tennessee Department of Economic and Community Development, and

Whereas, Roane County, Tennessee seeks to promote private investment in broadband infrastructure, and

Whereas, Roane County, Tennessee seeks to be designated as a Broadband Ready Community pursuant to Tennessee Public Chapter 228, 4-3-709.,

Public Chapter 228, S 4-3-709

(a)(1) A political subdivision may apply to the department of economic and community development for designation as a "broadband ready community" pursuant to guidelines established by the department. The guidelines for designation must include a requirement that the political subdivision has adopted an efficient and streamlined ordinance or policy for reviewing applications and issuing permits related to projects relative to broadband services.

NOW THEREFORE, BE IT ENACTED BY THE GOVERNING BODY OF THE COUNTY OF ROANE COUNTY, TENNESSEE THAT:

AN ORDINANCE FOR A BROADBAND READY COMMUNITY

Section 1. As used in this chapter, "permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, or ordinance with respect to a project.

Section 2. As used in this chapter, "project" means the construction or deployment of wireline or wireless communications facilities to provide communications services in a unit.

Section 3: Notwithstanding any other provision of *Roane County's* ordinance, the following shall apply to a project:

(1) Roane County, Tennessee has:

(A) Adopted an efficient and streamlined policy for reviewing applications and issuing permits related to projects relative to broadband services.

(B) Appointed a single point of contact in *Roane County* for all matters related to a broadband project;

(C) Established procedures to allow all forms, applications, and documentation related to a project be reviewed and either approved or denied within thirty (30) business days after the application is submitted; and to allow the project to be filed or submitted and signed by electronic means, where possible;

(2) Roane County will not:

(A) Require an applicant to designate a final contractor to complete a project;

(B) Impose an unreasonable fee for reviewing an application or issuing a permit for a project. The fee will not exceed one hundred dollars (\$100);

(C) Impose a seasonal moratorium on the issuance of permits for projects; and

(D) Discriminate among communications services providers or utilities with respect to any action related to a broadband project, including granting access to public rights-of-way, infrastructure and poles, and any other physical assets owned or controlled by the political subdivision

(3) Roane County acknowledges that:

(A) Tennessee Certified Broadband Ready Community has an affirmative duty to notify the Tennessee Economic and Community Development Department (TNECD) of any changes to the information submitted as part of its application.

(B) Failure to notify TNECD of changes may result in revocation of Roane County's Broadband Ready Certification.

Section 4. This ordinance shall take effect immediately upon adoption by the governing body upon final reading, the public welfare requiring.

UPON MOTION by Commissioner **Kelley**, second by Commissioner **Fink**, the following Commissioners voted **Aye**: **Bell, Berry, Brummett, Collier, East, Ellis, Ferguson, Fink, Granger, Hendrickson, Hooks, Johnson, Kelley, Meadows, and Moore. (15)**

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 NO. 12-17-07
IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE**

A Resolution abolishing all Non-Statuary Committees except the Ethics Committee

Withdrawn at the request of **Commissioner Ellis**.

There being no further business,

Motion to adjourn duly made by **Commissioner Moore** with second by **Commissioner Kelley, therefore**, the meeting stood adjourned at 8:30 P.M.

APPROVED:

Chairman Ron Berry

ATTESTED:

County Clerk Barbara J. Anthony