

**MINUTES
ROANE COUNTY COMMISSION
REGULAR MEETING
MARCH 20, 2023
STATE OF TENNESSEE
06:30 P.M.**

BE IT REMEMBERED that the County Commission of Roane County, Tennessee convened in regular session in Kingston, TN at the Roane County Courthouse on the 20th day of March, 2023 at 6:30 P.M. in the Qualls Commission Room.

The Commission was *called to order* by Bailiff **Adam Badger**.

Invocation was given by Pastor **Cal Adams**.

The Pledge of Allegiance to the Flag of the United States of America was led by Officer Badger.

ROLL CALL:

Present and presiding was the Honorable **Shannon Hester**, Chairman, and the following Commissioners: **Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

ABSENT: -0-

THEREUPON, Chairman Hester announced the presence of a **quorum**.

Also present was the Honorable **Wade Creswell**, County Executive, Budget Director **Connie Cook**, County Attorney **Greg Leffew**, Building Inspector **Glen Cofer**, **Ken Clinton** of Risk Management, Deputy Clerk **Amber Cofer**, and County Clerk **Beth Johnson**.

APPROVE THE MINUTES OF THE FEBRUARY 13th, 2023 MEETING:

MOTION to approve 02-13-2023 Minutes was made by Commissioner **Wilson**, seconded by Commissioner **Gann**.

UPON ELECTRONIC ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

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

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

Minutes Continued on Next Page

ACCEPTANCE OF COMMITTEE REPORTS AND CORRESPONDENCE:

1. **MINUTES** of Board of Zoning Appeals **09-28-22**
2. **MINUTES** of Environmental Review Board **12-01-22**
3. **MINUTES** of Public Utility Board **01-10-23**
4. **MINUTES** of Board of Zoning Appeals **01-18-23**
5. **MINUTES** of Planning Commission **01-18-23**
6. **MINUTES** of Environmental Review Board **02-02-23**
7. **MINUTES** of Agriculture Advisory Committee **02-07-23**
8. **MINUTES** of Budget Committee **02-13-23**
9. **MINUTES** of Sports Recreation Committee **02-21-23**
10. **MINUTES** of Solid Waste Committee **02-22-23**
11. **MINUTES** of Personnel Committee **02-23-23**
12. **MINUTES** of Industrial Liaison Committee **03-06-23**
13. **MINUTES** of Beer Board **03-06-23**
14. **MINUTES** of Special-Called County Commission **03-07-23**
15. **REPORT (Map):** Building Permits Issued for January 2023
16. **EMAIL** from NRC Senior Project Manager Matt Bartlett: Q & A of Government to Government Meeting regarding TRISO-X during the week of January 23, 2023
17. **TDOT Project Status Report** for Roane County as of 01/30/2023
18. **LETTER** from Representative Monty Fritts to Director of Emergency Services Tim Suter RE: thorough situational response to incident involving the transportation of a patient and family concern
19. **RCERB SUMMARY:** DOE NRDA Final December 2022 ERB Summary- Oak Ridge Reservation Natural Resource Damage Assessment, Restoration and Compensation Determination Plan/Environmental Assessment
20. **LAWSUIT:** Roane County v. Linda F. Murphy, East TN Human Resources Agency, Conservator for Linda F. Murphy, and Lynette Edward, Agent- Order of Voluntary Dismissal, No. 2021-98
21. Roane County, Tennessee Property Tax Incentive Program: Policies and Procedures

MOTION to accept Committee Reports & Correspondence was made by Commissioner **Hooks** with second by Commissioner **Berry**.

UPON ELECTRONIC ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

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

THEREUPON, The Chairman announced that the Committee Reports and Correspondence had been **ACCEPTED**.

NOTARIES:

The following persons desiring to be elected as a Notary Public in Roane County were presented by County Clerk **Beth Johnson: (11)**

Christine Fredette	Tyler Maxwell Janow
Amber Goodman	Kari Townsend
Donna Lorraine Harris	Kaylee Young
Jeffrey R. Chapman	Amber Schauffler
Karen Fink	Pamela Denise Crabtree
Makayla Griffis	

MOTION to elect all notary applicants was made by Commissioner **Hooks** with second by Commissioner **Gann**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

THEREUPON, the Chairman announced that the election of **Notaries** was **APPROVED**.

HEARING OF DELEGATION:

1. **John Keck**, resident of Lawnville Road in Kingston, addressed the Commission to discuss traffic on Lawnville Road, primarily the issue of speeding and the threat to safety it brings. Mr. Keck owns a working farm on Lawnville Road, where the posted speed limit is 30 miles an hour, though many drivers operate their vehicles at much greater speeds. Aside from the dangers of people breaking vehicle laws, semi-trucks using this road are another issue of concern. Mr. Keck handed out a photo of a UPS truck on Lawnville.
2. **Doug Heal**, resident of 630 The Battery in Kingston, addressed the Commission to introduce himself as a nominee to the Industrial Development Board (the appointment to be voted on later on the Agenda in Special Order #4) and to answer any questions the Commissioners may have for him. Mr. Heal discussed his love for the Roane County community and his business endeavors, including an engineering firm that he runs out of Oak Ridge and two additional business locations in Roane County.
3. **Jim Palmer**, resident of 185 Whippoorwill Drive in Oak Ridge, addressed the Commission to express appreciation for the work done by the Roane County Commission in conjunction with the Industrial Development Board and also to express support for the Resolutions #03-23-05 and #03-23-06 pertaining to modifications and decisions made by the IDB.
4. **Suzie Wallace**, of 296 Orchard View Road, addressed the Commission as the Girl Scout troop leader for Daisy Troup 20555 to thank the Commission for allowing the girl scouts to attend the meeting in order to learn about court proceedings and earn their "Democracy for Daisies" Badge.

End

COUNTY ATTORNEY'S REPORT:

County Attorney Greg Leffew discussed property maintenance court from last month, which yielded three (3) orders to clean up properties out of twelve (12) cases. Nine (9) of those lawsuits had property owners who had either come into compliance with the code or were in the process of cleaning up their properties.

Additionally, four years ago a delinquent tax property with title problems was purchased by an individual who has recently filed a Quitclaim Deed in the Register of Deeds Office conveying the property back to Roane County. There will be a County Attorney Title Opinion in next month's packet pertaining to this attempted transfer of property.

MOTION PASSED upon unanimous voice vote.

COUNTY EXECUTIVE'S REPORT:

SEE ATTACHMENT

SPECIAL ORDERS: (7)

1. **CONFIRMATION OF APPOINTMENT** of **Joseph Baarlaer** to the Environmental Review Board by County Executive Wade Creswell. *This is a 3-year term that will expire July 30, 2023.

MOTION to APPROVE was made by Commissioner **Duff**, seconded by Commissioner **Cunningham**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

THEREUPON, the Chairman announced that said Motion **PASSED**.

2. **CONFIRMATION OF APPROVAL** of **Tony Brown** as the City of Kingston Representative for the Solid Waste Advisory Board. *This term will expire March 31, 2029.

MOTION to APPROVE was made by Commissioner **Wilson**, seconded by Commissioner **Gann**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (14)**

The following Commissioners voted **No: Bell. (1)** The following Commissioners **Passed: -0-**

THEREUPON, the Chairman announced that said Motion **PASSED**.

SPECIAL ORDERS CONTINUED ON NEXT PAGE

3. **CONFIRMATION OF RE-APPOINTMENT** of David Webb to the Industrial Development Board and the Health, Education, and Housing Facilities Board to fill a term that has expired.
*This term will expire March 1, 2029.

MOTION to APPROVE was made by Commissioner **Hooks**, seconded by Commissioner **Wilson**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

THEREUPON, the Chairman announced that said Motion **PASSED**.

4. **CONFIRMATION OF APPOINTMENT** of Doug Heal to the Industrial Development Board and the Health, Education, and Housing Facilities Board to fill an open position. *This term will expire March 1, 2029.

MOTION to APPROVE was made by Commissioner **Gann**, seconded by Commissioner **Berry**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Berry, Ferguson, Kirby, and Wilson. (4)**

The following Commissioners voted **No: Bell, Brackett, Cunningham, Duff, Gann, Goss, Hendrickson, Hester, Hooks, Lehman, and Parks. (11)**

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

THEREUPON, the Chairman announced that said Motion **FAILED** by majority.

5. **CONFIRMATION OF APPOINTMENT** of Janet Cash to the Industrial Development Board and the Health, Education, and Housing Facilities Board to fill an open position. *This term will expire March 1, 2029.

MOTION to APPROVE was made by Commissioner **Gann**, seconded by Commissioner **Hooks**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

THEREUPON, the Chairman announced that said Motion **PASSED**.

6. **APPROVAL OF SURETY BOND No. 63091223** for Martin Miles as a Youth Intake Officer of Roane County Juvenile Court in the amount of \$2,500

MOTION to APPROVE was made by Commissioner **Brackett**, seconded by Commissioner **Wilson**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

THEREUPON, the Chairman announced that said Motion **PASSED**.

SPECIAL ORDERS: (Continued)

7. **APPROVAL OF SURETY BOND No. 6623490** for **Melissa Layne** as a Youth Intake Officer of Roane County Juvenile Court in the amount of \$5,000

MOTION to APPROVE was made by Commissioner **Wilson**, seconded by Commissioner **Hooks**.

UPON ROLL CALL VOTE, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

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

THEREUPON, the Chairman announced that said Motion **PASSED**.

ZONING RESOLUTIONS: **RESOLUTION NO. 03-23-01Z (WITHDRAWN)**

A RESOLUTION of Roane County Planning Commission recommending action by the Roane County Legislative Commission on a resolution amending the Roane County Zoning Map as requested by Kris Bartholomew to rezone Map 071 Parcel 059.00 on Country Ln 311 from A-2 (Developing Agriculture) to R2 (Single and Two Family Residential)

RESOLUTION WITHDRAWN upon request.

OLD BUSINESS: **NONE**

NEW BUSINESS: **(9)**

RESOLUTION NO. 03-23-01 (WITHDRAWN)

A RESOLUTION amending the General Fund 101 in the Public Defender function reflecting changes in expenditure estimates for the 2022/2023 fiscal year

RESOLUTION # 03-23-01 was **withdrawn** upon request prior to the meeting.

NEW BUSINESS CONTINUED ON NEXT PAGE

RESOLUTION NO. 03-23-02

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION amending the General Purpose School Fund (141), reflecting changes in Revenue/Expenditure estimates for the 2022/2023 fiscal year, and

WHEREAS, the Revenue/Expenditures of the above noted fund have changed due to: SPARC Grants, and

WHEREAS, the Roane County Schools desire to revise current Revenue and Expenditures to more accurately reflect actual cost and current data projections, and

WHEREAS, the Roane County Board of Education has approved this budget amendment at its February 16, 2023 meeting, and

NOW, THEREFORE, BE IT RESOLVED that the changes to the General-Purpose School Fund (141) be amended as follows:

<u>Fund</u>	<u>Function/Object</u>	<u>Description</u>	<u>Current BG</u>	<u>Amend.</u>	<u>Ending BG</u>
Revenue Code:					
141	46590	Other State Ed	<u>459,051</u>	<u>95,158</u>	<u>554,209</u>
		Total Revenue Budget	59,637,686	95,158	59,732,844
Expenditure Code:					
141	71300-730	Voc. Inst. Equi	135,158	95,158	230,316
141	71300-339	Other Con. Ser	5,000	3,000	8,000
141	71300-449	Textbooks	10,000	(10,000)	0
141	71300-499	Other Supp.	14,000	1,000	15,000
141	72230-355	Travel	13,000	4,000	17,000
141	72230-599	Other Con. Ser	5,000	2,000	7,000
		Total Expenditure Budget	67,875,426	95,158	67,970,584

UPON MOTION of Commissioner **Wilson**, seconded by Commissioner **Gann**, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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.

RESOLUTION NO. 03-23-03

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION amending the General Capital Project Fund 171(CIF) & (IND) sub funds reflecting changes in Expenditure estimates for the 2022/2023 fiscal year, and

WHEREAS, the expenditures for the Community Investment Fund (CIF) are due to a request from Outdoor Kingston to help with concrete work that is needed at Buck Creek boat ramp for \$3,000, and

WHEREAS, the expenditures for the Industrial Development Fund (IND) is to reflect the approved ARP funding of \$750,000 and local funding of \$450,000 for a total of \$1,100,000 in capital project work for the extension of utility services in the Roane Regional Business Technology Park, and

WHEREAS, due to the increases in projected cost an increase is necessary in the local funding by \$100,000 making the total cost of infrastructure development in the Roane Regional Business Technology Park to \$1,200,000, and

WHEREAS, the projects would consist of installing electricity, roads, water and street lights to existing undeveloped sites that have been and will be developed.

NOW, THEREFORE, BE IT RESOLVED that the changes to the General Capital Project Fund 171(CIF) & (IND) be amended as follows:

<u>Fund</u>	<u>Function/Object</u>	<u>Description</u>	<u>Current Bgt</u>	<u>Amend.</u>	<u>Ending Bgt</u>
<u>CIF SUB FUND</u>					
<u>Expenditure Code:</u>					
171-CIF	91150-316	Contributions	0	3,000	3,000
<u>Reserve Code:</u>					
171-CIF	34585	Restricted Cap. Proj	60,000	(3,000)	57,000
<u>IND SUB FUND</u>					
<u>Expenditure Code:</u>					
171-IND	91110-724	Site Development	0	1,200,000	1,200,000
<u>Reserve Code:</u>					
171-IND	34585	Restricted Cap. Proj	2,777,814	(1,200,000)	1,577,814

UPON MOTION of Commissioner **Bell**, seconded by Commissioner **Wilson**, the following Commissioners voted **Aye**: **Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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.

RESOLUTION NO. 03-23-04

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

RESOLUTION to replace the current \$500,000 Tax Anticipation Loan that is currently being reflected as “Due from/Due to” from the General-Purpose School Funds to the Federal Projects Fund for fiscal Year Ending June 30, 2023

WHEREAS, Federal Projects grants operate on a reimbursement basis and funds are requested from the State of Tennessee by Roane County, TN School System for payroll and non-payroll expenditures on a monthly basis; and

WHEREAS, the School Federal Project Fund currently has \$1,500,000 of local funds and needs to temporarily increase to \$2,000,000 due to activity of the Elementary and Secondary School Emergency Relief (ESSER) funds; and

WHEREAS, Generally Accepted Accounting Principles (GAAP) consider a cash deficit in any fund to be a significant deficiency in internal control; and

WHEREAS, Roane County, Tn School System does not desire to operate any fund with a cash deficit.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of Roane County, Tennessee, meeting in special called session on the 9th day of March 2023 and by the County Commission of Roane County, a county in Tennessee, meeting in called session on this 20th day of **April 2023** that;

SECTION 1. The General-Purpose School Fund shall transfer \$500,000 to the Federal Projects Fund for cash flow purposes.

SECTION 2. The \$500,000 that is currently being reflected as a “Due to/Due From” shall be removed and reflected as a transfer. The previously approved \$1,000,000 transfer and this \$500,000 shall remain in the Federal Projects Fund as a Committed fund balance from the General-Purpose School Fund and will be repaid once the ARP funding has been depleted.

Adopted this 20th day of March, 2023.

UPON MOTION of Commissioner **Bell**, seconded by Commissioner **Wilson**, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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.

RESOLUTION NO. 03-23-05

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A Resolution Approving a Closing Fee Provision in a PILOT Agreement
Negotiated by the Roane County Industrial Development Board

WHEREAS, on November 9, 2020, Roane County Commission adopted Resolution No. 11-20-05 approving Property Tax Incentive Program Policies and Procedures.

WHEREAS, Section VI.2. of said Property Tax Incentive Program Policies and Procedures states as follows concerning closing fees:

A closing fee computed by Roane Alliance staff as described in this paragraph will be paid to the respective Board prior to or at the execution of the Lease Agreement. Closing fees for PILOT incentives are based on the benefits that an Applicant will receive (i.e. value of the tax savings over an applicable PILOT Term) rather than on the total Project investment. The closing fee for a PILOT incentive transaction with the Board will be 5% of the expected tax savings for the Applicant, as estimated by the staff, with a minimum closing fee of \$1,500 and a maximum fee of \$300,000. The Applicant receiving the PILOT incentive will also be responsible for paying expenses of the Board relating to the transaction (i.e. attorney's fees, copies, postage, long distance telephone calls, etc).

WHEREAS, Section I of the aforesaid Property Tax Incentive Program Policies and Procedures states in part that Roane County "reserves the right to modify these policies and procedures as to projects outside the boundaries of the City" of Oak Ridge.

WHEREAS, the Roane County Industrial Board has negotiated a PILOT agreement for a project, identified for the purpose of this Resolution as Project XYZ, that, in the opinion of the Roane County Industrial Development Board would be beneficial to Roane County.

WHEREAS, said project will be located outside the corporate limits of the City of Oak Ridge.

WHEREAS, one of the negotiated terms of said PILOT agreement states substantially as follows:

Project XYZ would not be required to pay the customary closing fee (5% of the anticipated tax savings) and, instead, would only be responsible for reimbursing the IDB for its out-of-pocket legal expenses related to Project XYZ's PILOT through closing thereof up to a maximum of \$50,000.

WHEREAS, it is the opinion of the Roane County Industrial Development Board that waiving the 5% closing fee is beneficial to Roane County, Tennessee, and waiving said closing fee is material consideration for said project to be located in Roane County, Tennessee.

NOW, THEREFORE, BE IT RESOLVED by the Roane County Commission that based upon the authority in Section I of the aforesaid Property Tax Incentive Program Policies and Procedures authorizing Roane County to modify those policies and procedures as to projects outside the boundaries of the City of Oak Ridge:

1. The closing fee of 5% of the expected tax savings for Project XYZ applicant required by Section VI.2. of the Property Tax Incentive Program Policies and Procedures is hereby waived, and

2. The provision of the aforesaid PILOT agreement stating, in substance that "Project XYZ would not be required to pay the customary closing fee (5% of the anticipated tax savings) and, instead would only be responsible for reimbursing the Industrial Development Board for its out-of-pocket legal expenses relating to Project XYZ's PILOT through closing thereof up to a maximum of \$50,000", is hereby ratified.

RESOLUTION NO. 03-23-05 (Continued)

This Resolution shall take effect upon passage.

UPON MOTION of Commissioner **Wilson**, seconded by Commissioner **Berry**, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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.

RESOLUTION NO. 03-23-06

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

**A Resolution Modifying Section VI.1 and VI.2. of the Roane County, Tennessee
Property Tax Incentive Program Policies and Procedures**

WHEREAS, on November 9, 2020, through Resolution No. 11-20-05, Roane County Commission approved Policies and Procedures for the Roane County, Tennessee Property Tax Incentive Program.

WHEREAS, Section I of said Policies and Procedures states that Roane County "reserves the right to modify these Policies and Procedures as to Projects outside the boundaries of the City" of Oak Ridge.

WHEREAS, Section VI.1. of said Policies and Procedures states as follows regarding application fees:

An Application fee must be submitted with each completed Application. The Application Fee shall be calculated using the following chart:

<u>Estimated Project Capital Expenditures At the Time of Application</u>	<u>Application Fee</u>
\$ 1,000,000 - \$ 2,500,000	\$ 2,000
\$ 2,500,001 - \$ 5,000,000	\$ 3,000
\$ 5,000,001 - \$10,000,000	\$ 4,000
\$10,000,001 - \$25,000,000	\$ 8,000
Greater than \$25,000,000	\$15,000

WHEREAS, Section VI.2. of said Policies and Procedures concerning closing fees states as follows:

A closing fee computed by Roane Alliance staff as described in this paragraph will be paid to the respective Board prior to or at the execution of the Lease Agreement. Closing fees for PILOT incentives are based on the benefits that an Applicant will receive (i.e. value of the tax savings over an applicable PILOT Term) rather than on the total Project investment. The closing fee for a PILOT incentive transaction with the Board will be 5% of the expected tax savings for the Applicant, as estimated by the staff, with a minimum closing fee of \$1,500 and a maximum fee of \$300,000. The Applicant receiving the PILOT incentive will also be responsible for paying expenses of the Board relating to the transaction (i.e. attorney's fees, copies, postage, long distance telephone calls, etc).

WHEREAS, to make Roane County more competitive in negotiating PILOT agreements, and recruiting industry, it would be in the best interest of Roane County to modify said Policies and Procedures to authorize the Roane County Industrial Development Board to waive the aforesaid application fees and closing fees.

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RESOLUTION NO. 03-23-06 (continued)

NOW, THEREFORE, BE IT RESOLVED by Roane County Commission that the Property Tax Incentive Program Policies and Procedures approved by Roane County Resolution No. 11-20-05 are hereby modified as follows:

1. Section VI.1 concerning application fees is hereby modified to add the following sentence: The Roane County Industrial Development Board is granted the authority to waive all or part of the aforesaid application fees.

2. Section VI.2. concerning closing fees is hereby modified to add the following sentence: The Roane County Industrial Development Board is authorized to waive all or part of the aforesaid closing fees.

3. In accordance with the terms of the aforesaid Property Tax Incentive Program Policies and Procedures, these amendments shall pertain only to projects to be located outside the corporate limits of the City of Oak Ridge.

4. All provisions of the aforesaid Property Tax Incentive Program Policies and Procedures not modified by this Resolution shall remain in full force and effect.

This Resolution shall take effect upon passage.

UPON MOTION of Commissioner **Berry**, seconded by Commissioner **Wilson**, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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.

RESOLUTION NO. 03-23-07

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A Resolution Authorizing Roane County to Join the State of Tennessee and Other Local Governments as Participants in the Tennessee State-Subdivision Opioid Abatement Agreement as Amended in 2023 and Approving the Related Settlement Agreements

WHEREAS, the State of Tennessee and some Tennessee local governments have filed lawsuits against opioid manufacturers, distributors, and retailers, including many federal lawsuits by Tennessee counties and cities that are pending in the litigation captioned, In Re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the MDL case is referred to as the "Opioid Litigation").

WHEREAS, the Tennessee legislature enacted Public Chapter No. 491 during the 2021 Regular Session of the 112th Tennessee General Assembly and was signed into law by Governor Bill Lee on May 24, 2021, which addresses the allocation of funds from certain proposed opioid litigation settlements.

WHEREAS, on December 13, 2021, Roane County Commission adopted Resolution 12-21-15 authorizing Roane County to enter into the Tennessee State-Subdivision Opioid Abatement Agreement.

WHEREAS, through said Tennessee State-Subdivision Opioid Abatement Agreement, Roane County has participated in settlement agreements with AmerisourceBergen Corporation, Cardinal Health, Inc., McKesson Corporation, Janssen Pharmaceuticals, Inc., and Johnson & Johnson.

WHEREAS, the Tennessee State-Subdivision Opioid Abatement Agreement has been amended in 2023 to include new additional settlement agreements with the following pharmaceutical distributors and manufacturers:

Allergan Public Global Opioid Settlement Agreement

CVS Settlement Agreement

Teva Global Opioid Settlement Agreement

Walgreens Settlement Agreement

Walmart Settlement Agreement

CONTINUED ON NEXT PAGE

RESOLUTION NO. 03-23-07 (Continued)

WHEREAS, to receive moneys from these new settlement agreements Roane County must execute documents to opt in to those settlement agreements by no later than April 18, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Roane County, Tennessee as follow:

Section 1. That the Roane County Executive is hereby expressly authorized to execute all documents necessary to opt into the 2023 Amended Tennessee State-Subdivision Opioid Abatement Agreement.

Section 2. That the Roane County Executive is hereby expressly authorized to execute any formal agreement and related documents evidencing Roane County's agreement to the aforesaid settlement of claims and litigation specifically related to Allergan, CVS, Teva, Walgreens and Walmart.

Section 3. That the Roane County Executive is authorized to take such other action as necessary and appropriate to effectuate Roane County's participation in the Tennessee State-Subdivision Opioid Abatement Agreement as Amended and the aforesaid settlements.

Section 4. That this Resolution is effective upon adoption, the welfare of Roane County, Tennessee requiring it.

UPON MOTION of Commissioner **Brackett**, seconded by Commissioner **Hooks**, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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)

National Opioid Settlements: Teva, Allergan, CVS, Walgreens, and Walmart

Roane County, TN

Reference Number: CL-391338

***TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT NATIONAL OPIOID SETTLEMENTS.***

SETTLEMENT OVERVIEW

Proposed nationwide settlement agreements ("Settlements") have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against two pharmaceutical manufacturers, Teva and Allergan ("Manufacturers"), and three pharmacies, CVS, Walgreens, and Walmart ("Pharmacies"). Local political subdivisions and special districts are referred to as "subdivisions."

The Settlements require the settling Manufacturers and Pharmacies to pay billions of dollars to abate the opioid epidemic. The Settlements total over \$20 billion. Of this amount, approximately \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

- Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or an agreed upon cash equivalent over 13 years;
- Allergan to pay up to \$2.02 billion over 7 years;
- CVS to pay up to \$4.90 billion over 10 years;
- Walgreens to pay up to \$5.52 billion over 15 years; and
- Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

As provided under the Agreements, these figures are net of amounts attributable to prior settlements between the Defendants and certain states/subdivisions, and include amounts for attorneys' fees and costs.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or dispensing practices.

Each of the proposed settlements has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com>.

Second, eligible subdivisions within each participating state decide whether to participate in each Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlements provide that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for these new Settlements and was also retained for the 2021 national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in one or more of the Settlements with the Manufacturers and/or the Pharmacies, and your subdivision may participate in those Settlements in which your state has elected to participate. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. Subdivisions can participate in the Settlements whether or not they filed a lawsuit or are represented.

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlements, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlements are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com>.

Your subdivision will need to decide whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process before the **April 18, 2023** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

The Settlements require that you take affirmative steps to "opt in" to the Settlements.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form for that settlement.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Forms and instructions.

All required documentation must be signed and returned on or before **April 18, 2023**.

RESOLUTION NO. 03-23-08

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO APPOINT A ROANE COUNTY OPIOID SETTLEMENT FUNDS ADVISORY COMMITTEE

WHEREAS, issues related to the abuse of opioids and substance abuse have had a tremendous, negative impact on the lives of countless Roane Countians, and;

WHEREAS, the prevalence of substance abuse addiction, drug-related crime, and drug-related overdose deaths continues to rise yearly, and;

WHEREAS, federal and state governments have reached settlements with multiple pharmaceutical companies and the funds from those settlements have been directed to be distributed through the Tennessee Opioid Abatement Council, and;

WHEREAS, advisement is necessary from professionals and community members throughout the county on how to distribute funds to make the most significant and positive impact on Roane County and its citizens, and;

WHEREAS, the purpose of the Opioid Settlement Funds Advisory Committee is to review Tennessee's Opioid Abatement & Remediation Uses document and apply its directives to recommend the distribution, payment, and administration of any funds from the presently held opioid litigation settlement funds or related funds that will be received in the future, and;

WHEREAS, the term of service for each appointment will be two years without limit to the number of terms a member may be reappointed, and;

WHEREAS, the committee will meet as necessary to come to an agreement on a recommended plan for the distribution of available opioid settlement funds, and;

WHEREAS, the County Executive will appoint professionals from across the county who have experience and expertise in issues related to addiction and recovery, and;

NOW, THEREFORE, BE IT RESOLVED, that the Roane County Opioid Settlement Funds Advisory Committee be established in an advisory capacity to provide a recommendation to the County Commission for the proper distribution of available opioid settlement funds, this resolution shall take effect upon its passage, the public welfare requiring it.

PASSED AND APPROVED this 20th day of March, 2023.

UPON MOTION of Commissioner **Wilson**, seconded by Commissioner **Gann**, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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.

RESOLUTION NO. 03-23-09

IN COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION authorizing the County Executive to re-apply for funding from the Tennessee Department of Mental Health & Substance Abuse Services for Fiscal Year 2024 for the Roane County Recovery Court

WHEREAS, this grant award could be up to \$100,000 for Roane County Recovery Court,

WHEREAS, in-kind contributions would be supplied by the District Attorney's office, the Roane County Sheriff's Office, the Public Defender, and Roane County judge allocation of time; and

WHEREAS, all of the above referenced officials have endorsed the establishment of a Drug Court subject to a successful grant award.

NOW THEREFORE BE IT RESOLVED that the Roane County Commission approves the Roane County Executive to apply for funding for the Tennessee Department of Mental Health & Substance Abuse Services for Fiscal Year 2024 for the Roane County Recovery Court.

NOW THEREFORE BE IT FURTHER RESOLVED that the budget once approved will be submitted into the 2023-2024 Budget and approved through the Appropriation Resolution.

UPON MOTION of Commissioner **Wilson**, seconded by Commissioner **Duff**, the following Commissioners voted **Aye: Bell, Berry, Brackett, Cunningham, Duff, Ferguson, Gann, Goss, Hendrickson, Hester, Hooks, Kirby, Lehman, Parks, and Wilson. (15)**

The following Commissioners voted **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.

There being no further business to discuss before the Commission,

MOTION to ADJOURN was made by Commissioner **Wilson**, seconded by Commissioner **Hendrickson**.

Motion PASSED upon unanimous voice vote.

Meeting Adjourned at 7:25 P.M. by Chairman Hester.

APPROVED:



Roane County Commission Chairman

ATTEST:



Roane County Clerk