CUMBERLAND COUNTY COMMISSION MONTHLY MEETING AGENDA

MONDAY, DECEMBER 15, 2014

6:00 O'CLOCK P.M.

1. Call to order: Chairperson or Cumberland County Sheriff
2. Invocation
3. Pledge to the Flag of the United States of America
4. Roll Call, Cumberland County Clerk, Jule Bryson
5. Minutes of November 17, 2014 Monthly Cumberland County Commission Meeting
6. Special recognitions, memorials, etc.
7. Comments by the General Public
8. Unfinished Business

   Interlocal Agreement for School Resource Officers

9. New Business:

   Matters relative to Spirit Broadband LLC

   RESOLUTION 12-2014-1-General Purpose School Fund, Budget Amendment, $3,141.84 (Turner)

   RESOLUTION 12-2014-2-General Purpose School Fund, Budget Amendment, $3,467.00 (Carter)

   RESOLUTION 12-2014-3-General Purpose School Fund, Budget Amendment, $7,987.11 (Carter)

   RESOLUTION 12-2014-4-General Purpose School Fund, Budget Amendment, $15,000.00 (Hassler)

   RESOLUTION 12-2014-5-General Purpose School Fund, Budget Amendment, $30,904.67 (Turner)

   RESOLUTION 12-2014-6-Budget Amendment, General Fund, Register of Deeds, $76,000.00 (Hassler)

   RESOLUTION 12-2014-7-Budget Amendment, General Fund, Local Health Center, $97,437.00 (Hassler)

   RESOLUTION 12-2014-8-To approve a revision to the existing Wage Scale as requested by Larry Sherrill, Circuit Court Clerk for the position of Judicial Commissioner II (Supervisor) (Rimmer)

   RESOLUTION 12-2014-9-To appoint Mike Harvel as Cumberland County Director of Sanitation (Carey)

10. County Official Reports
11. County Attorney Report
12. Standing Committee Reports
13. Statutory Committee Reports
14. Election of Notaries, Appointments, and Confirmations
15. Announcements and Statements
16. Adjournment

NOVEMBER 17, 2014

CUMBERLAND COUNTY COMMISSION MONTHLY MEETING

Be it remembered that the Cumberland County Commission met in monthly session on Monday, November 17, 2014 at the courthouse in Crossville, Tennessee. Sheriff Casey Cox called the meeting to order at 6:00 o'clock P.M. Present and presiding was Commission Chairman, County Mayor Kenneth Carey, Jr. who invited Commissioner Wendell Wilson to give the Invocation and a member of the Young Marines was asked by the Mayor to lead the Pledge of Allegiance to the Flag of the United States of America. Also present at the meeting were County Clerk Jule Bryson, County Attorney Randal Boston, Finance Director Nathan Brock, Circuit Court Clerk Larry Sherrill and the following County Commissioners:

Jeff Dyer	Tracey Scarbrough
Nancy Hyder	Tom Isham
David Hassler	Rebecca Stone
Allen Foster	David Gibson
Jack Davis	Terry Lowe
Terry Carter	Wendell Wilson
Elbert Farley (absent)	Roy Turner
Tim Claflin	Sonya Rimmer
Woody Geisler	John Kinnunen

A quorum being present, the Cumberland County Commission was opened in due form of law and the following proceedings were had to wit:

1. MINUTES OF OCTOBER 20, 2014 MONTHLY CUMBERLAND COUNTY COMMISSION MEETING:

On motion of Commissioner Rimmer, second by Commissioner Kinnunen, moved the minutes of the October 20, 2014 Monthly Commission Meeting be approved, treat same as read, made a matter of record, and filed.

The motion to approve the Meeting Minutes carried by a roll vote of 17 ayes from the Commission present.

COMMENTS:

Ed Camera, Vice President of Quality Solutions for CoLinx, LLC, expressed his appreciation to the Board for cooperating with the City of Crossville and the State to help make the CoLinx distribution facility expansion project possible. On behalf of Cumberland County and the Commission, Mayor Carey thanked Mr. Camera and the CoLinx Company for being a vital part of the community and for the jobs and services they provide.

2. RESOLUTION 11-2014-1-TO APPROVE PILOT (PAYMENT-IN-LIEU-OF-TAX) AGREEMENT FOR THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF CUMBERLAND, TENNESSEE:

On motion of Commissioner Rimmer, second by Commissioner Foster, moved to adopt resolution 11-2014-1. Before a vote on resolution 11-2014-1, Commissioner Rimmer suggested paragraph 5 of the resolution be corrected to read: Now, therefore be it resolved by the County Commission Meeting in regular session the 17th day of November, 2014, that the Industrial Development Board be hereby authorized to negotiate a PILOT Lease with the Company and to enter into a PILOT Lease corresponding to this resolution.

The motion to adopt resolution 11-2014-1, authorizing the Industrial Development Board to negotiate and enter into a PILOT Lease with Colinx for an expansion project of their distribution facility in the City of Crossville, carried by a roll call vote of 17 ayes from the Commission present.

3. RESOLUTION 11-2014-2-TO APPOINT COMMISSIONER REBECCA STONE TO THE PUBLIC RECORDS COMMISSION:

On motion of Commissioner Gibson, second by Commissioner Hyder, moved to adopt resolution 11-2014-2.

The motion to adopt resolution 11-2014-2, appointing Rebecca Stone as a member of the Public Records Commission for a term to expire August 31, 2018, carried by a roll call vote of 16 ayes from the Commission present with Commissioner Stone passing on the vote.

4. RESOLUTION 11-2014-3-BUDGET AMENDMENT, GENERAL FUND, $2,400, VETERAN'S SERVICES:

On motion of Commissioner Hyder, second by Commissioner Hassler, moved to adopt resolution 11-2014-3.

The motion to adopt resolution 11-2014-3, a budget amendment for payment of part-time personnel in the Veteran's Service Office, carried by a roll call vote of 17 ayes from the Commission present.

5. RESOLUTION 11-2014-4-BUDGET AMENDMENT, GENERAL FUND, $5,088.00, TRUSTEE'S OFFICE:

On motion of Commissioner Gibson, second by Commissioner Foster, moved to adopt resolution 11-2014-4.

The motion to adopt resolution 11-2014-4, a budget amendment for funding the additional cost of the Trustee's Surety Bond out of the unassigned fund balance, carried with Commissioners Dyer, Hyder, Stone, Foster, Gibson, Carter, Wilson, Claflin, Rimmer, Geisler and Kinnunen voting for the adoption of the resolution. Commissioners Scarbrough, Isham, Davis, Lowe, and Turner voted against adopting resolution 11-2014-4. Commissioner Hassler abstained for voting and Commissioner Farley was absent.

6. RESOLUTION 11-2014-5-BUDGET AMENDMENT, GENERAL FUND, $25,920.00, SHERIFF'S DEPARTMENT:

On motion of Commissioner Carter, second by Commissioner Hassler, moved to adopt resolution 11-2014-5.

The motion to adopt resolution 11-2014-5, a budget amendment for a State of Tennessee-Office of Criminal Justice Program Grant to provide the Sheriff's Department with a replacement electronic fingerprint imaging device, carried by a roll call vote of 16 ayes from the Commission present with Commissioner Claflin abstaining from the vote.

7. RESOLUTION 11-2014-6-BUDGET AMENDMENT, GENERAL FUND, $33,000.00, COUNTY COMMISSION:

On motion of Commissioner Carter, second by Commissioner Kinnunen, moved to adopt resolution 11-2014-6.

The motion to adopt resolution 11-2014-6, a budget amendment for matching grant funds for the City of Crab Orchard to renovate and modify a facility to house an Emergency Medical Services Substation and a Volunteer Fire Department, carried by a roll call vote of 17 ayes from the Commission present.

COUNTY OFFICIAL REPORT:

Commissioners received a brief report on the October 2014 revenue collections from property taxes, hotel/motel taxes, ambulance services, contracted prisoner boarding and sales taxes from Finance Director Brock.

COUNTY ATTORNEY REPORT:

The County Attorney announced a hearing will be held November 24, 2014 at the Justice Center in regard to the condemnation action on Renegade and he encouraged all Commissioners to attend. After having reviewed the "Memorandum of Understanding" and the "Interlocal Agreement" between the Sheriff Department and the Board of Education (BOE) concerning the School Resource Officers (SRO) Program, Mr. Boston said that currently those documents were being examined by BOE Attorney Earl Patton. Attorney Boston also stated his goal was for the County to hold a joint hearing with the City of Crossville on the Jackson Law as it pertains to a tire shredding and recycling plant located in the city, but he was awaiting more information from Crossville City Attorney Kenneth Chadwell before moving forward.

HEALTH AND SAFETY STANDARDS BOARD AND DELINQUENT TAX COMMITTEE:

Nancy Hyder, Chairperson for both the Health and Safety Standards Board and the Delinquent Tax Committee, reported that at their most recent meeting the Health and Safety Standards Board had directed the County Attorney to send a "Notice of Violation" letter to one (1) property owner. She further reported that Cumberland County's Delinquent Tax Attorney Joe Looney, Circuit Court Clerk Sue Tollett, and Attorney Boston were in attendance at last week's Delinquent Tax Committee Meeting to discuss the sale of delinquent tax property where Property Owner Association (POA) dues were unpaid. Chairman Hyder advised that due to current legislation, counties that took a piece of property with outstanding POA dues could be liable for any resolved POA debt. Since the county had approximately two thousand five hundred (2,500) delinquent properties mostly located in resort areas of the county, Attorney Looney would contact Lake Tansi, Fairfield Glade, Cumberland Mountain Retreat and others about the possibility of Cumberland County donating the unsettled properties to them in lieu of a delinquent tax sale.

SCHOOLS AND EDUCATION COMMITTEE:

Chairman John Kinnunen told Board Members that at their last meeting, the School and Education Committee were primarily concentrating on getting the School Resource Officer's situation resolved.

RULES COMMITTEE:

Commissioner Wilson, newly elected Chairman of the Rules Committee, made know that committee had discussed the definition of the subject "Declaring a Conflict of Interest". County Attorney Boston told Commissioners he would work to create a "Conflict of Interest" Policy to present to the Rules Committee for review before presentation to the full Commission for approval.

AUDIT REPORT:

After noting that each Commissioner had received a copy of Audit Committee Report for the fiscal year ending June 30, 2013 prior to the meeting, Committee Chairperson Rimmer asked County Clerk Bryson to record a copy of the report with the November 2014 Meeting Minutes.

8. ELECTION OF NOTARIES:

On motion of Commissioner Hyder, second by Commissioner Gibson, moved that Carol A. Barnett, Kerry Creselious, Regina Garrett, Marsha Ann Gates, J. H. Graham, III, Jessica M. Grissom, Monica B. Hackett, Dona E. Hughes, Johanna M. Keck, Karen M. Lankford, Scott Lansford, Lainie Shanks Luse, Amy Padgett, Kevin Padgett, Sarah B. Ramsey, Kimball F. Raulerson, Linda M. Rose, Janice D. Sampson, Melanie B. Shada, Virgil Thompson and Grant Thurman are elected as Notary Publics for the State of Tennessee.

The motion to approve the notaries carried by a roll call vote of 17 ayes from the Commission present.

ANNOUNCEMENT;

Commissioner Stone extended an invitation to all County Commissioners to attend an "Appreciation Dinner" to be held at the Art Circle Public Library on November 18, 2014.

9. ADJOURNMENT:

On motion of Commissioner Carter, second by Commissioner Foster, moved the November 17, 2014 Monthly Commission Meeting be adjourned at 6:28 o'clock P.M.

The motion to adjourn the meeting carried by voice vote from the Commission present.

MINUTES APPROVED FOR ENTRY THIS_____ DAY OF DECEMBER 2014.

_____
Kenneth Carey, County Mayor
Chairman, Cumberland County Commission

_____
Jule Bryson, Cumberland County Clerk

INTERLOCAL AGREEMENT FOR SCHOOL RESOURCE OFFICERS

THIS AGREEMENT is made and entered into by and between **CUMBERLAND COUNTY, TENNESSEE,** on behalf of its County Mayor (hereinafter referred to as "County") **CUMBERLAND COUNTY SHERIFF'S DEPARTMENT and CUMBERLAND COUNTY BOARD OF EDUCATION,**

I. RECITALS

WHEREAS, the School Board and the Sheriff desire to continue providing law enforcement and related services to the public schools of Cumberland County which will endeavor to help maintain a safer school environment; and

WHEREAS, the School Resource Officer program has met with exceptional success in Cumberland County, other areas of Tennessee, and around the United States; and

WHEREAS, the School Board and the Sheriff recognize the benefits of the School Resource Officer Program, in particular to the safety and security of students and staff of the public school system of Cumberland County, Tennessee; and

WHEREAS, it is in the best interest of the School Board, Sheriff's Office, and the citizens and students of Cumberland County to maintain this program; and

WHEREAS, a School Resource Officer Program has been proposed for the public school system of Cumberland County, Tennessee and;

WHEREAS, the School Board and the Sheriff agree the origination, implementation, and continued maintenance of a School Resource Officer Program should be a part of he overall educational program and;

WHEREAS, because of the wide range of matters which can be accomplished by such program, the parties will have to fully cooperate and assist each other in this program.

NOW, THEREFORE in consideration of the mutual promises and covenants herein contained, the School Board and the Sheriff hereby agree as follows:

II. COUNTY'S OBLIGATIONS

A. The County Mayor shall:

1. Cumberland County shall have no financial obligation under this agreement except for receiving funds approved by the Cumberland County

CUMBERLAND COUNTY TENNESSEE

APPROVED AS TO FORM

By: _____
KENNETH CAREY, JR.
Its: County Mayor

By: _____
RANDAL R. BOSTON
Its: County Attorney

CUMBERLAND COUNTY SHERIFF'S DEPARTMENT

By: _____
CASEY COX
Its: Sheriff

CUMBERLAND COUNTY BOARD OF EDUCATION

By: _____
DONALD E. ANDREWS
Its: Director

GENERAL PURPOSE SCHOOL FUND
BUDGET RESOLUTION

12-2014-1

To the Cumberland County Commission meeting in regular monthly session, this _____ day of _____, 2014.

WHEREAS, the Cumberland County Board of Education requests the following budget amendment be approved for additional reimbursement of funds from the State of Tennessee for Capital Outlay for the Technology Department.

INCREASE REVENUE			
141-44145	Sale of Surplus Material	$3,141.84	
TOTAL INCREASE			**$3,141.84**

INCREASE EXPENDITURES:			
141-71100-449	Textbooks	$3,141.84	
TOTAL INCREASE			**$3,141.84**

A vendor was found that would purchase used textbooks. This is the sale of those textbooks.

SPONSORED BY:

Roy Turner

COUNTY COMMISSIONER

ATTEST:

COUNTY CLERK

APPROVED BY:

COUNTY MAYOR

GENERAL PURPOSE SCHOOL FUND
BUDGET RESOLUTION

12-2014-2

To the Cumberland County Commission meeting in regular monthly session, this _____ day of _____, 2014.

WHEREAS, the Cumberland County Board of Education requests the following budget amendment be approved for additional reimbursement of funds from the State of Tennessee for Capital Outlay for the Technology Department.

INCREASE REVENUE			
141-46980	Grant	$3,467.00	
TOTAL INCREASE			**$3,467.00**
INCREASE EXPENDITURES:			
141-71100-535	Fee Waiver	$3,467.00	
TOTAL INCREASE			**$3,467.00**

This is a grant that North Cumberland Elementary and Martin Elementary applied for and were awarded $1155 and $2312 respectfully. The grant was sent to Cumberland County Schools. The revenues are being received and dispersed to the appropriate schools for their projects.

SPONSORED BY:

COUNTY COMMISSIONER

ATTEST:

COUNTY CLERK

APPROVED BY:

COUNTY MAYOR

GENERAL PURPOSE SCHOOL FUND
BUDGET RESOLUTION

12-2014-3

To the Cumberland County Commission meeting in regular monthly session, this _____ day of _____, 2014.

WHEREAS, the Cumberland County Board of Education requests the following budget amendment be approved for refund to the State of Tennessee for overpayment by the state to the Early Childhood Education-Pilot/Pre-K Program from fiscal year 2013-2014 as requested by Brenda Pursley and Bobby Palmer from the State of Tennessee

DECREASE FUND BALANCE:

39000	Fund Balance	$7,978.11	
TOTAL DECREASE			**$7,978.11**

INCREASE EXPENDITURES:

141-73400-599	Other Charges	$7,978.11	
TOTAL INCREASE			**$7,978.11**

SPONSORED BY:

COUNTY COMMISSIONER

ATTEST:

COUNTY CLERK

APPROVED BY:

COUNTY MAYOR

GENERAL PURPOSE SCHOOL FUND
BUDGET RESOLUTION

12-2014-4

To the Cumberland County Commission meeting in regular monthly session, this _____ day of_____, 2014.

WHEREAS, the Cumberland County Board of Education requests the following budget amendment be approved for the reallocation of funds within the Preschool program.

DECREASE EXPENDITURES

141-72810-189	Other Salaries and Wages	$15,000.00

TOTAL DECREASE **$15,000.00**

INCREASE EXPENDITURES:

141-73400-116	Pre-K Teachers	$ 15,000.00

TOTAL INCREASE **$15,000.00**

This is a reallocation of funds to pay 22.38% of a given employee's salary out of Coordinated School Health and 77.62% out of Pre-K. The appropriations were not correct when the budget was presented which led to an overage in 72810 and a deficit in 73400 (budgeted at 43% and 57%). This adjusts those lines to realistic date.

SPONSORED BY:

COUNTY COMMISSIONER

ATTEST:

_____

COUNTY CLERK

APPROVED BY:

_____

COUNTY MAYOR

GENERAL PURPOSE SCHOOL FUND
BUDGET RESOLUTION

12-2014-5

To the Cumberland County Commission meeting in regular monthly session, this _____ day of _____, 2014.

WHEREAS, the Cumberland County Board of Education requests the following budget amendment be approved for additional reimbursement of funds from the State of Tennessee for Capital Outlay for the Technology Department.

INCREASE REVENUE

141-47143	Ed of the Handicapped IDEA $30,904.67	
TOTAL INCREASE		**$30,904.67**

INCREASE EXPENDITURES:

141-71200-163	Educ. Assistants	$30,904.67
TOTAL INCREASE		**$30,904.67**

A request was submitted for reimbursement of high cost expenditures incurred during 2013-14 for special education students ages 6-21 year. Based on available federal funds, $30,904.67 was awarded to Cumberland County Schools. This resolution accepts the money as revenue and allows for the expenditure in 71200 or 72220 as required by state law in the year 2014-2015

SPONSORED BY:

_____
COUNTY COMMISSIONER

ATTEST:

_____
COUNTY CLERK

APPROVED BY:

_____
COUNTY MAYOR

Resolution # 12-2014-6

Cumberland County, Tennessee
General Fund

To the Cumberland County Commission meeting in regular session this 15th day of December, 2014:

Whereas, the Register of Deeds has requested additional funding in the amount of $76,000.00 for the conversion and indexing of microfilm to digital images along with replacement of office equipment, and

Whereas, revenues are designated and reserved for the purpose of improving and maintaining technology in the Register of Deeds office.

Therefore, be it resolved that the following budget amendment be adopted by the Cumberland County Commission:

General Fund
Register of Deeds

Decrease:

101-34510	Restricted for Technology	$76,000.00

Increase Expenditures:

101-51600-709	Data Processing Services	$66,000.00
101-51600-719	Office Equipment	$10,000.00
Total		$76,000.00

Sponsor: _____
County Commissioner

Approval: _____
County Mayor

Attest: _____
County Clerk

Budget Committee Vote:

Ayes: 7 Nays: 0 Abstain: 0

Resolution # 12-2014-7

Cumberland County, Tennessee
General Fund

To the Cumberland County Commission meeting in regular session this 15th day of December, 2014:

Whereas, the County Health Department has received additional funding from the State of Tennessee to provide additional health service employees and related supplies & materials, and

Whereas, funding is provided 100% by the State and requires no local matching funds.

Therefore, be it resolved that the following budget amendment be adopted by the Cumberland County Commission.

LOCAL HEALTH CENTER

Increase Revenue:

101-46310	Health Department Programs	$97,437.00

Increase Expenditures:

101-55110-189	Other Salaries	$ 65,268.00
101-55110-201	Social Security	$ 4,993.00
101-55110-204	State Retirement	$ 6,482.00
101-55110-205	Health Insurance	$ 11,368.00
101-55110-206	Life Insurance	$ 54.00
101-55110-208	Dental Insurance	$ 472.00
101-55110-429	Supplies and Materials	$ 8,800.00
Total		$ 97,437.00

Sponsor: _____
County Commissioner

Approval: _____
County Mayor

Attest: _____
County Clerk

Budget Committee Vote:

Ayes: 7 Nays: 0 Abstain: 0

Resolution # 12-2014-8

Cumberland County, Tennessee

A Resolution to Approve a Revision to the Existing Wage Scale As Requested By Larry Sherrill, Circuit Court Clerk for the Position of Judicial Commissioner II (Supervisor)

To the Cumberland County Commission meeting in regular session this 15th day of December, 2014:

Whereas, Cumberland County established a wage scale for General Government employees on August 21, 2006 via Resolution #806-3 and amended the wage scale on July 21, 2014 via resolution #07-2014-04, and

Whereas, Circuit Court Clerk Larry Sherrill has requested that the current wage scale be amended to accommodate a reinstated employee in the position of Judicial Commissioner II at a Grade 6, Step 6, and

Whereas, the Budget Committee has reviewed the request and favorably recommended the request from the Circuit Court Clerk.

Therefore, be it resolved that the wage scale amendment requested by Circuit Court Clerk Larry Sherrill be adopted by Cumberland County retroactive to October 20, 2014, the hire date of the reinstated employee.

Sponsor: Sonya Rimmer BNB
County Commissioner

Approval: _____
County Mayor

Attest: _____
County Clerk

Budget Committee Vote:
Ayes: 5 Nays: 2 Abstain: 0

RESOLUTION NO : 12-2014-9

RESOLUTION TO APPOINT THE DIRECTOR OF SANITATION

WHEREAS, it is the recommendation of the County Mayor that

MIKE HARVEL

be appointed to serve as the Director of Sanitation with his salary and benefits amended accordingly.

Now, therefore, be it resolved, that this resolution shall take effect upon adoption at the following legislative body meeting.

This the 15th day of December, 2014.

SPONSORED BY:

COUNTY MAYOR

ATTEST:

COUNTY CLERK

APPROVED BY:

COUNTY MAYOR