

Jule Bryson
Cumberland County Clerk

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May 6, 2016

TO: Cumberland County Commission, County Mayor, and News Media

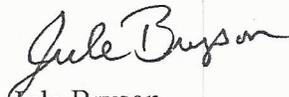
FROM: Jule Bryson, Cumberland County Clerk

SUBJECT: May 16, 2016 Monthly Cumberland County Commission Meeting

Take notice, pursuant to TCA 8-44-103, the Cumberland County Commission, the governing body of said county, will convene and meet in regular session on Monday, May 16, 2016 at 6:00 o'clock P.M. in the large meeting room on the third floor of the Cumberland County Courthouse, where and at which time and place the said Cumberland County Commissioners will transact such public business as may lawfully come before it.

Attached is a copy of the agenda as of this date. I am looking forward to seeing you there.

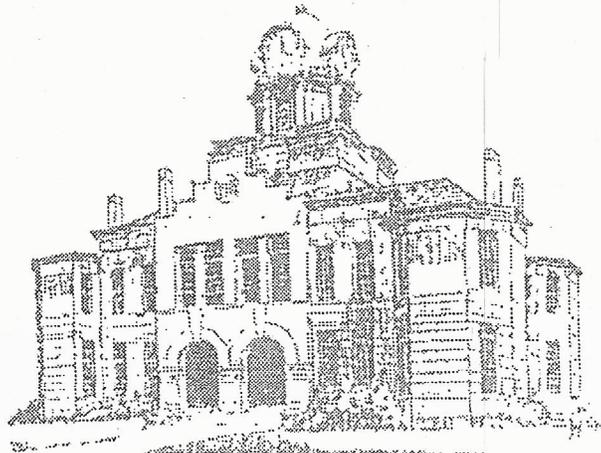
Sincerely,



Jule Bryson
Cumberland County Clerk

JB/dc

Enclosures



CUMBERLAND COUNTY COMMISSION MONTHLY MEETING AGENDA

MONDAY, MAY 16, 2016

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 April 18, 2016 Quarterly Monthly Cumberland County Commission Meeting
6. Special recognitions, memorials, etc.
7. Comments by the General Public
8. Unfinished Business
9. New Business:

RESOLUTION 05-2016-1-Budget Amendment, General Fund, Library, \$185.00 (Hassler)

RESOLUTION 05-2016-2-Budget Amendment, General Fund, Preservation of Records, \$200.00 (Geisler)

RESOLUTION 05-2016-3-Budget Amendment, General Fund, Election Commission/Voter Registration, \$6,600.00 (Hassler)

RESOLUTION 05-2016-4-To amend the contract between the State of Tennessee, Department of Mental Health and Cumberland County, Tennessee (Davis)

RESOLUTION 05-2016-5-To approve license agreement between the State of Tennessee Department of Environment and Conservation and Cumberland County (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

CUMBERLAND COUNTY COMMISSION QUARTERLY MONTHLY MEETING MINUTES

APRIL 18, 2016

Be it remembered that the Cumberland County Commission met in quarterly monthly session on Monday, April 18, 2016 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 Minister Tim Chesson from the Faith Worship Center to give the Invocation and Commissioner Sonya Rimmer 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, Road Superintendent Scott Blaylock and the following County Commissioners:

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

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 MARCH 21, 2016 MONTHLY CUMBERLAND COUNTY COMMISSION MEETING:

On motion of Commissioner Gibson, second by Commissioner Claflin, moved the minutes of the March 21, 2016 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 14 ayes from the Commission present with Commissioner Rimmer passing on the vote.

COMMENTS:

Jay McCarthy and George Chiamonte, both residents of Fairfield Glade, addressed the Board to express the need for caution in regard to the newly proposed APEX Wind Farm project to be located in Crab Orchard, Tennessee. They advised the wind farm posed a threat to jobs in the area since they would be in competition with local utility companies. Also the project would disturb 1,500 acres or more and would affect the health of people and wildlife in Crab Orchard. Mr. McCarthy requested the Commission place a one hundred twenty (120) day moratorium on the project to allow time for further study in an effort to save the mountains in Cumberland County.

Former County Commission Mike Harvel next appeared before Board Members to share his research on an amendment to the personnel policy in regard to the health benefit for retiring county employees. After doing a twenty (20) year comparative study, Mr. Harvel citing the saving the plan afforded the county.

2. UNFINISHED BUSINESS: RESOLUTION 08-24-2015-6-AMENDMENT TO CUMBERLAND COUNTY PERSONNEL POLICY IN REGARD TO WELFARE BENEFITS TO CERTAIN CUMBERLAND COUNTY RETIREES:

On motion of Commissioner Hassler, second by Commissioner Isham, moved to adopt resolution 08-24-2015-6. When Commissioner Rimmer questioned why the resolution, after originally being tabled in August 2015, had been reintroduced under Unfinished Business without first going through the Budget Committee, Mayor Carey informed the Board Commissioner Hassler requested it be brought back up for consideration. Commissioner Foster disagreed with the resurgence of the resolution and stated Tennessee Code Annotated (TCA) sets out that the proper procedure to change a welfare benefit begins with the Mayor appointing a committee to be approved by the Commission that will make recommendations to the full Board. Commissioner Turner recognized Mike Harvel to speak and he once again explained the cost savings he discovered through examination of the proposed benefit.

3. TABLE RESOLUTION 08-24-2015-6:

After Commissioner Geisler stated Tennessee Code should be followed and the funding be discussed before a vote, Commissioner Sabine moved to table the resolution until a committee is formed to bring their research back for review. Commissioner Foster seconded the motion after which Commission Hassler stated the Wage Scale Subcommittee had been formed to do a wage scale and compensation study at the request of the Budget Committee. Attorney Boston referenced TCA § 8-27-502 in regard to committees caring out law, insurance contracts, approval, and modifications which reads: In counties desiring to provide such insurance coverage for employees and officials, the county legislative body or other governing body of the county shall appoint a committee of the county legislative body or other governing body of the county to carry out the intent of this part. The Attorney also went on to state that the Budget Committee could or could not be a governing body of county government but his opinion was that it could be and he could defend that point of view. The discussion continued with Commissioner Turner noting other businesses in the county and the Cumberland County School System provide the insurance benefit for their employees and he questioned if the county could be liable for a discrimination lawsuit if they chose not to provide the benefit. Mr. Boston stated a welfare benefit was not guaranteed to employees and could be removed at any point.

The motion to table resolution 08-24-2015-6 failed with a roll call vote of seven (7) nays from Commissioners Isham, Hassler, Davis, Lowe, Carter, Wilson and Turner. Sabine, Scarbrough, Foster, Claflin, Rimmer and Geisler were the six (6) Commissioners who voted to table the motion. Commissioners Gibson and Farley passed on the vote.

Before a vote on the original motion to adopt resolution 08-24-2015-6 Commissioners Gibson, Farley, Turner, and Claflin each declared conflicts of interest as employees of Cumberland County.

The motion to adopt resolution 08-24-2015-6 carried by a roll call vote of nine (9) ayes from Commissioners Isham, Hassler, Gibson, Davis, Lowe, Carter, Wilson, Farley and Turner. Six (6) Commissioners, Sabine, Scarbrough Foster, Claflin, Rimmer, and Geisler voted against the adoption of the resolution with Commissioners Hyder and Stone absent.

4. REVOTE ON RESOLUTION 08-24-2015-6:

Commissioner Rimmer challenged Terry Carter's vote stating that as a county employee he had not declared a conflict of interest. Commissioner Carter countered that the proposed Welfare Benefit for retirees of Cumberland County created no conflict of interest for him since he would not be eligible to receive the benefit. After Mr. Carter answered questions from the County Attorney about the benefit and confirmed that the matter did not relate to his employment, Commissioner Wilson called for a "Division of House" also known as a revote.

Commissioners Gibson, Carter, Farley, Turner, and Claflin declared conflicts of interest as employees of Cumberland County before another vote on resolution 08-24-2015-6

The revote on the motion to adopt resolution 08-24-2015-6 carried by a roll call vote of nine (9) ayes from Commissioners Isham, Hassler, Gibson, Davis, Lowe, Carter, Wilson, Farley and Turner. Commissioner Sabine, Scarbrough, Foster, Claflin, Rimmer, and Geisler voted against the adoption of the resolution on the revote.

5. NINTH CIVIL DISTRICT CUMBERLAND COUNTY COMMISSION VACANCY:

The voting procedure established by State Law when filling a vacant seat on a County Commission was reviewed by the Mayor, after which Dr. Robert Ochsenrider, John L. Patterson, Jr., Robert W. Smith, and Sandra Baxter Dutcher the four (4) prospective Ninth District candidates, were each afforded the opportunity to speak on their behalf before the Commission.

County Clerk Bryson called on each Commissioner to cast their verbal vote for the candidate of their choice. Sandra Baxter Dutcher received nine (9) votes from Commissioners Hassler, Foster, Gibson, Davis, Lowe, Carter, Wilson, Turner, and Rimmer. John Patterson received four (4) votes from Commissioners Sabine, Scarbrough, Isham, and Farley. Robert Smith received two (2) votes from Commissioners Claflin and Geisler with Robert Ochsenrider receiving no votes. Sandra Baxter Dutcher was elected by a majority to serve as the Ninth Civil District Cumberland County Commission Member to fill the unexpired term of John Kinnunen until the next county wide election. Ms. Baxter Dutcher was immediately sworn into office by Mayor Carey and was seated on the Commission with full voting powers.

6. ASSIGNMENT OF COMMISSION COMMITTEES TO NINTH DISTRICT REPRESENTATIVES:

On motion of Commissioner Rimmer, second by Commissioner Claflin, moved to approve the Standing and Statutory Committee assignments of the Ninth District Representatives.

The motion assigning Commissioner Woody Geisler to the Budget, Beer Board, Debt Management, Emergency Services, and the Rules Committees and assigning Commissioner Sandra Baxter Dutcher to the Building and Grounds, Delinquent Tax, Environmental and the School and Education Committees carried by a roll call vote of 16 ayes from the Commission present.

7. RESOLUTION 04-2016-1-BUDGET AMENDMENT, GENERAL FUND, VETERAN'S SERVICES, \$500.00:

On motion of Commissioner Claflin, second by Commissioner Gibson, moved to adopt resolution 04-2016-1.

The motion to adopt resolution 04-2016-1, a budget amendment to move funds from part time personnel to travel expenses for the Veteran's Service Officer, carried by a roll call vote of 16 ayes from the Commission present.

8. RESOLUTION 04-2016-2-BUDGET AMENDMENT, GENERAL FUND, AUTHORIZING A DONATION TO THE CUMBERLAND COUNTY VETERANS ASSISTANCE COUNCIL, \$9,813.50:

On motion of Commissioner Foster, second by Commissioner Claflin, moved to adopt resolution 04-2016-2.

The motion to adopt resolution 04-2016-2, a budget amendment approving restitution proceeds are contributed to the Cumberland County Veterans Assistance Council, carried by a roll call vote of 16 ayes from the Commission present.

9. RESOLUTION 04-2016-3-BUDGET AMENDMENT, HIGHWAY FUND, \$27,209.00:

On motion of Commissioner Wilson, second by Commissioner Carter, moved to adopt resolution 04-2016-3.

The motion to adopt resolution 04-2016-3, a budget amendment to adjust expenditures in the Highway Department fund, carried by a roll call vote of 16 ayes from the Commission present.

10. RESOLUTION 04-2016-4-APPOINTING DOUG SCARLETT TO THE CUMBERLAND COUNTY LIBRARY BOARD FOR A FIRST TERM OF THREE YEARS TO BEGIN JULY 1, 2016 AND END JUNE 30, 2019, REAPPOINTING MARTHA MCKNIGHT TO THE CUMBERLAND COUNTY LIBRARY BOARD FOR A SECOND TERM OF THREE YEARS TO BEGIN JULY 1, 2016 AND END JUNE 30, 2019, AND APPOINTING J. D. ATKINSON TO THE FALLING WATER RIVER REGIONAL LIBRARY BOARD FOR A FIRST TERM OF THREE YEARS TO BEGIN JULY 1, 2016 AND END JUNE 30, 2019:

On motion of Commissioner Claflin, second by Commissioner Hassler, moved to adopt resolution 04-2016-4.

The motion to adopt resolution 04-2016-4, appointing Doug Scarlett and Martha McKnight to the Cumberland County Library Board for terms to end June 30, 2019 and appointing J. D. Atkinson to the Falling Water River Regional Library Board for a term to end June 30, 2019, carried by a roll call vote of 16 ayes from the Commission present.

11. RESOLUTION 04-2016-5-TO APPOINT DAVID SURLES, WILLIE HARGIS, LINDA BAEHR CALDWELL, DAVID STOUT, AND DANIEL LYNN HUSK TO THE CUMBERLAND COUNTY BOARD OF EQUALIZATION FOR TERMS TO EXPIRE APRIL 30, 2018:

On motion of Commissioner Claflin, second by Commissioner Turner, moved to adopt resolution 04-2016-5.

The motion to adopt resolution 04-2016-5, appointing David Surlles, Willie Hargis, Linda Baehr Caldwell, David Stout, and Daniel Lynn Husk as members to the Cumberland County Board of Equalization for terms to expire April 30, 2018, carried by a roll call vote of 16 ayes from the Commission present.

12. RESOLUTION 04-2016-6-TO APPROVE DISPOSAL OF REAL PROPERTY:

On motion of Commissioner Gibson, second by Commissioner Hassler, moved to adopt resolution 04-2016-6. When questioned about the State's approval for financing the sale of the old Health Department Building, Attorney Boston made known that initially County Technical Assistance Service's (CTAS) opinion was that the county could not finance the sale. After the Comptroller's office agreed the sale could proceed and since the Attorney General had judged a sale of this kind favorable in the past provided no debt is created, CTAS changed their viewpoint and gave final approval. Commissioner Sabine disagreed with the procedure involving the sale stating TCA 55-14-108 outlines salvage property is to be sold through public auction or sealed bids. Mr. Boston noted the old Health Department building and property had been advertised for sale for three (3) years. Kenneth Chadwell, the attorney for JPJG Properties, LLC, the prospective purchaser of the property, said that after review of the contract the terms were satisfactory and the minor details would be worked out between the representing attorneys.

The motion to adopt resolution 04-2016-6, authorizing the Mayor to act as Cumberland County's agent to execute the sale of the Cumberland County Health Department Building located on Hayes Street, Crossville, Tennessee to JPJG Properties, LLC for a fair market value with improvements to the building to be the responsibility of the purchasers for the terms agreed upon by the parties, carried by a roll call vote of 15 ayes from the Commission present with Commissioner Sabine voting no.

13. COUNTY OFFICIAL REPORTS: COUNTY MAYOR, FINANCE DIRECTOR, AND COUNTY ATTORNEY:

For the Mayor's report, he made everyone aware that Commissioner Nancy Hyder was in Nashville recovering from recent back surgery. Finance Director Brock presented his monthly report on the funds the county received through March 2016 and updated the Board on the payments made to the primary contractors hired for last year's ice storm damage clean-up through reimbursements received for FEMA and TEMA. The Director also confirmed the Budget Committee had discussed replacement parts for the new radio communication system and had considered a maintenance agreement with the AMK Services, LLC if the monies were available from the Capital Project Fund. On the recommendation of the Emergency Services Committee, Commissioner Rimmer moved to use eighty-seven thousand dollars (\$87,000.00) from the Capital Project Fund to buy extra parts for the radio system and to enter into a system maintenance contract with the AMK Services, LLC for a cost of fifty thousand dollars (\$50,000.00). Commissioner Turner seconded the motion. Before the vote Commissioner Isham expressed his concerns over the cost of the parts that may ultimately set on a shelf being unused and the increasing cost of the maintenance contract for the next year.

The motion to approve monies from the Capital Project Fund for the radio communication system and a maintenance contract with the AMK Services, LLC carried by a roll call vote of 14 ayes from the Commission present with Commissioners Isham and Lowe voting no.

Before the meeting Commissioners had received a handout titled "Notice of Filing Administrative Record" from Attorney Boston between Volunteer Energy Cooperative and several other companies versus the Tennessee State Board of Equalization. Mr. Boston explained the handout involved a contested case over payment of land taxes on structures owned by electric cooperatives. He also noted motions for the Cumberland County, Tennessee vs Spirit Broadband, LLC lawsuit were recently filed.

STANDING COMMITTEE REPORT; BUDGET COMMITTEE:

Budget Committee Chairperson Rimmer made the Board aware that on April 21, 2016 the Budget Committee would hold an all-day session to begin budget reviews for the 2016-2017 fiscal year.

14. ELECTION OF NOTARIES:

On motion of Commissioner Gibson, second by Commissioner Carter, moved that Jennifer Baird, Frank B. Bohannon, Sarah Alexander Denton, Vicky Lay, Amanda Pedigo, Melanie Phillips, Janelle K. R. Poore, Vicky Scarlett, Elizabeth J. Simpson, James E. Thompson, Kristen Ward, and Tanda C. Winslow are elected as Notary Publics for the State of Tennessee.

The motion to approve the notaries carried by a roll call vote of 16 ayes from the Commission present.

15. ADJOURNMENT:

On motion of Commissioner Carter, second by Commissioner Claflin, moved the April 18, 2016 Quarterly Monthly Commission Meeting be adjourned at 7:32 o'clock P.M.

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

RESOLUTION # 05-2016-1

**CUMBERLAND COUNTY, TENNESSEE
General Fund**

To the Cumberland County Commission meeting in regular session this 16th Day of May, 2016:

Whereas, private citizens and civic organizations have made donations to Cumberland County for the use and benefit of the Art Circle Public Library.

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

Library

Increase Revenue:

101-48610	Donations	\$185.00
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Increase Expenditures:

101-56500-599	Other Charges	\$185.00
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Sponsor:



County Commissioner

Approval:

County Mayor

Attest:

County Clerk

Budget Committee Vote:

Ayes: 8 Nays: 0 Abstain: 0

RESOLUTION # 05-2016-2

**CUMBERLAND COUNTY, TENNESSEE
General Fund**

To the Cumberland County Commission meeting in regular session this 16th Day of May, 2016:

Whereas, private citizens have made donations to Cumberland County for the use and benefit of the Archives and Family Heritage Center.

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

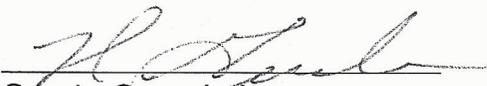
Preservation Of Records

Increase Revenue:

101-48610	Donations	\$200.00
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Increase Expenditures:

101-51910-599	Other Charges	\$200.00
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Sponsor: 
County Commissioner

Approval: _____
County Mayor

Attest: _____
County Clerk

Budget Committee Vote:

Ayes:___ Nays:___ Abstain:___

**Cumberland County, Tennessee
General Fund**

To the Cumberland County Commission meeting in regular session this 16th day of May, 2016:

Whereas, the Election Commission Administrator of Elections has requested carpet replacement in her office, and

Whereas, the office has surplus monies remaining in part-time personnel and election workers to pay for the carpet replacement.

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

ELECTION COMMISSION/VOTER REGISTRATION

Decrease Expenditures:

101-51500-169	Part-time Personnel	\$3,000.00
101-51500-193	Election Workers	\$3,600.00
Total		\$6,600.00

Increase Expenditures:

101-51500-336	Maintenance & Repair Services	\$6,600 .00
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Sponsor: 
County Commissioner

Approval: _____
County Mayor

Attest: _____
County Clerk

Budget Committee Vote:

Ayes: 8 Nays: 0 Abstain: 0

RESOLUTION NO. 05-2016-4

**A RESOLUTION TO AMEND THE CONTRACT BETWEEN THE STATE OF TENNESSEE,
DEPARTMENT OF MENTAL HEALTH AND CUMBERLAND COUNTY, TENNESSEE**

WHEREAS Cumberland County procured a contract between the State of Tennessee, Department of Mental Health and Substance Abuse Services to establish agreed rates and ensure payment for the cost of outpatient and inpatient evaluations and treatments necessary to the evaluations ordered by General Sessions, Criminal, or Circuit Court for defendants charged only with misdemeanor crimes pursuant to the "Scope of Services" defined in Tennessee Code Annotated Title 33, Chapter 7, Part 3, (Adults Charged Only With Misdemeanor); and

WHEREAS, the State of Tennessee, Department of Mental Health and Substance Abuse Services requests the terms of the contract establishing rates for the cost of mental health evaluations and treatment services for criminal defendants charges with only misdemeanors be amended to be effective from July 1, 2015 and ending on June 30, 2017, and;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners meeting in session assembled on May 16, 2016 that Cumberland County Mayor, Kenneth Carey, Jr. be authorized and directed to execute the Government Revenue Contract # DA 45423_2015-2017_014 between the State of Tennessee, Department of Mental Health and Cumberland County, Tennessee.

Adopted this 16th day of May, 2016.

SPONSOR:



Jack Davis, County Commissioner

APPROVED:

Kenneth Carey, County Mayor

ATTEST:

Jule Bryson, Cumberland County Clerk

**RESOLUTION TO APPROVE LICENSE AGREEMENT BETWEEN STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION AND CUMBERLAND COUNTY**

WHEREAS, Cumberland County has had a lease agreement with the State of Tennessee, Department of Environment and Conservation at the Cumberland County Courthouse to provide office space for Ground Water Protection staff;

WHEREAS, the license agreement will expire June 30, 2016 and a new agreement has been submitted for the Mayor to sign;

WHEREAS, the term of the new agreement shall be from July 1, 2016 and shall end on June 30, 2017. Either party may terminate the agreement by giving written notice to the other party at least ninety (90) days prior to the date when such termination becomes effective.

WHEREAS, the state shall pay a monthly fee of \$350.00;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the license agreement between State of Tennessee Department of Environment and Conservation and Cumberland County be approved and the County Mayor is authorized to execute this agreement.

Adopted this 16th day of May, 2016.

SPONSOR:



COUNTY MAYOR

APPROVED:

COUNTY MAYOR

ATTEST:

COUNTY CLERK