

Jule Bryson
Cumberland County Clerk

2 North Main Street, Suite 206 • Crossville, TN 38555 • (931) 484-6442 • Fax (931) 484-6440

December 11, 2015

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

FROM: Jule Bryson, Cumberland County Clerk

SUBJECT: December 21, 2015 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, December 21, 2015 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, DECEMBER 21, 2015

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 16, 2015 Monthly Cumberland County Commission Meeting
6. Special recognitions, memorials, etc.
7. Comments by the General Public
8. Unfinished Business:

First Civil District Commissioner vacancy

RESOLUTION 11-2015-1-To protest the privatization of Cumberland Mountain State Park (Hyder)

9. New Business:

RESOLUTION 12-2015-1-Budget Amendment, General Fund, Emergency Medical Services, \$173,748.00 (Foster)

RESOLUTION 12-2015-2-Cumberland County Solid Waste Collection Fee (Isham)

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 16, 2015

CUMBERLAND COUNTY COMMISSION MONTHLY MEETING

Be it remembered that the Cumberland County Commission met in monthly session on Monday, November 16, 2015 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 Bev Talbott from the Salt and Light Ministries to give the Invocation and Commissioner Terry Carter 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 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	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 19, 2015 MONTHLY CUMBERLAND COUNTY COMMISSION MEETING:

On motion of Commissioner Gibson, second by Commissioner Hyder, moved the minutes of the October 19, 2015 Monthly Commission Meeting be approved, treat same as read, made a matter of record, and filed.

The motion to approve the October 2015 Meeting Minutes carried by a roll vote of 18 ayes from the Commission.

COMMENTS FROM THE PUBLIC:

Jean Cheely was first to be called upon by the Mayor to address the Board. Ms. Cheely handed out packets of information about the State of Tennessee proposed plans to privatize Tennessee State Parks and after cautioning Commissioners to consider the social and economic impact of the proposal, she urged the Board to petition the legislature to stop the privatizing process. Next Elon Thomas, Howard Burnett, and Kimberly Bade spoke up to express their support for Ninth District Board of Education candidate Sharon Ellison and each one voiced their concerns about the issue of Islam and the teaching of the Muslim religion in Tennessee schools and textbooks.

2. NINTH CIVIL DISTRICT CUMBERLAND COUNTY BOARD OF EDUCATION (BOE) VACANCY:

After Mayor Carey advised the Board of the voting procedure established by State Law when filling a vacant seat on a School Board, the six (6) prospective Ninth District candidates: Viva J. Bosland, Sharon Ellison, Sarah Hazelton, Frances L. Kinnunen, Debra J. Markham and Aretie Gallins Patterson 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. Aretie Patterson received ten (10) votes from Commissioners Scarbrough, Isham, Hassler, Stone, Foster, Gibson, Davis, Carter, Claflin and Geisler and Debra Markham received seven (7) votes from Commissioners Dyer, Hyder, Lowe, Wilson, Farley, Turner and Rimmer. Commissioner Kinnunen recused himself from the vote for personal reasons. Aretie Patterson was elected by a majority of the Commission to serve as the Ninth Civil District Cumberland County Board of Education Member to fill the unexpired term of Dan Shalfer until the next county wide election. Ms. Patterson was immediately sworn into office by Mayor Carey.

RESOLUTION 11-2015-1-TO PROTEST THE PRIVATIZATION OF ANY DEPARTMENT OF CUMBERLAND MOUNTAIN STATE PARK:

Commissioner Hyder, the sponsor of resolution 11-2015-1, requested the resolution be postponed until after the Joint Economic Community Development Board holds their meeting on November 30, 2015. She further advised that Senator Paul Bailey and State Representative Cameron Sexton would be in attendance at that meeting to answer citizen's questions about the privatization of State Parks in Tennessee. All Commissioners agreed to reschedule consideration of resolution 11-2015-1 until another time.

3. RESOLUTION 11-2015-2-BUDGET AMENDMENT, CENTRAL CAFETERIA FUND, \$5,400.00:

On motion of Commissioner Rimmer, second by Commissioner Dyer, moved to adopt resolution 11-2015-2.

The motion to adopt resolution 11-2015-2, a budget amendment for additional USDA funds through Section 201 of the Healthy, Hunger-Free Kids Act (HHFKA) of 2010, carried by a roll call vote of 18 ayes from the Commission.

4. RESOLUTION 11-2015-3-BUDGET AMENDMENT, CENTRAL CAFETERIA FUND, \$12,000.00:

On motion of Commissioner Gibson, second by Commissioner Hassler, moved to adopt resolution 11-2015-3.

The motion to adopt resolution 11-2015-3, a budget amendment for additional USDA funds designated to provide equipment assistance to SFA's participating in the NSLP, carried by a roll call vote of 18 ayes from the Commission.

5. RESOLUTION 11-2015-4-BUDGET AMENDMENT, GENERAL FUND, FIRE DEPARTMENT, \$500.00:

On motion of Commissioner Hyder, second by Commissioner Scarbrough, moved to adopt resolution 11-2015-4.

The motion to adopt resolution 11-2015-4, a budget amendment for a donation to the Cumberland County Fire Department from the Cumberland Fellowship Baptist Church, carried by a roll call vote of 17 ayes from the Commission with Commissioner Claflin passing on the vote.

6. RESOLUTION 11-2015-5-BUDGET AMENDMENT, DRUG CONTROL FUND, SHERIFF'S DEPARTMENT, DRUG ENFORCEMENT, \$3,000.00:

On motion of Commissioner Rimmer, second by Commissioner Geisler, moved to adopt resolution 11-2015-5.

The motion to adopt resolution 11-2015-5, a budget amendment for additional funding for drug control and eradication by the Sheriff's Department, carried by a roll call vote of 17 ayes from the Commission with Commissioner Claflin passing on the vote.

7. CONTRACT BETWEEN THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION AND CUMBERLAND COUNTY:

After advising the contract had been reviewed by the Budget Committee, Sheriff Casey Cox made a presentation to the full Commission to explain the highlights of a proposal with the Tennessee Department of Transportation (TDOT) for litter removal on state highways and the portion of Interstate 40 located in Cumberland County. The Sheriff stated the contract provided for inmates from the local jail to perform the labor with monitoring supplied by correction officers for a calculated maximum reimbursement from the State of sixty-three thousand six hundred seventy four dollars (\$63,674.00). He also confirmed that the initial startup cost should be minimal and any profit from the endeavor could be used for other services throughout the county. Commissioner Dyer questioned the Sheriff about disposal fees and Commissioner Stone asked about the terms and conditions of the contract. The Sheriff stated that after tipping fees are paid out the county should clear over forty-two thousand dollars (\$42,000.00) for the project and that the TDOT requested litter removal contract would run for one (1) year.

The County Attorney was asked by Commissioner Rimmer to explain paragraph D.9. of the agreement involving "Prevailing Wage Rates" for construction contracts with TDOT. Mr. Boston cited Tennessee Code Annotated §12-4-402 which defines a "highway contractor" as any contractor, subcontractor, person, firm, or corporation engaged in a state construction project for the purpose of building, remodeling, locating, relocating, or repairing any public highway and he stated that since the subsection applies to road and highway construction he would like to see it removed from the contract. Christopher Starr, the Operations District Supervisor for the Tennessee Department of Transportation, was introduced by Commissioner Claflin and made himself available to answer questions about the litter removal maintenance project.

Commissioner Rimmer made a motion for the Sheriff's Department to move forward with the contract between the County and the TDOT pending further review and/or removal of the "Prevailing Wage Rates" clause by the County Attorney. Commissioner Farley seconded the motion.

Before the vote Commissioner Claflin declared a conflict of interest as an employee of the Sheriff Department but avowed to vote on behalf of his constituents. The motion to proceed with the special agreement for litter removal on interstates and state routes carried by a roll call vote of 18 ayes from the Commission.

COUNTY OFFICIAL REPORTS; MAYOR AND FINANCE DIRECTOR:

Mayor Carey made known he had received a thank you note from the Friends of the Library for proclaiming the week of October 18-24, 2015 as "Friends of the Library Week" and he informed the Board the "Select Tennessee Property Evaluation Program" packets they had received were from Chamber of Commerce President Brad Allamong. The Mayor also made the Board aware that First District Commissioner Jeff Dyer had tendered his resignation from the Board effective December 31, 2015 due to the fact Mr. Dyer was moving outside of the First District.

October 2015 tax receipts from property tax, hotel/motel tax, ambulance services, prisoner boarding and local option sales taxes were summarized by the Finance Director Brock.

COUNTY ATTORNEY REPORT:

In his report, County Attorney Randal Boston stated some changes had developed in the Spirit Broadband, LLC case and in the past month one new lawsuit had occurred involving Houston Lane.

BUDGET COMMITTEE AND JOINT ECONOMIC COMMUNITY DEVELOPMENT BOARD REPORT:

Commissioner Rimmer, Chairperson of the Joint Economic Community Development Board (JECDB) advised that Committee would meet on November 30, 2015 at City Hall to discuss the privatization of Cumberland Mountain State Park and to receive an update on the Tennessee Site Selection Program. And as Budget Committee Chairperson, Commissioner Rimmer noted the bid opening date for the Wage Scale and Compensation study would be December 1, 2015.

8. ELECTION OF NOTARIES:

On motion of Commissioner Hyder, second by Commissioner Gibson, moved that Robert W. Folger, Debbie Green, Megan Jones, Sandra J. Kellough, Jasmyne N. King, Shonda Livesay, Jason D. Longmire, Melissa A. Marchuk, Marie K. Rose, Misty Michelle Rupe, Tami Turner and Dawn M. Weaver are elected as Notary Publics for the State of Tennessee.

The motion to approve the notaries carried by a roll call vote of 18 ayes from the Commission.

ANNOUNCEMENT:

Commissioner Elbert Farley and the coaching staff and team of the Stone Memorial High School football program were congratulated by the Mayor for their winning fall season.

9. ADJOURNMENT:

On motion of Commissioner Carter, second by Commissioner Lowe, moved the November 16, 2015 Monthly Commission Meeting be adjourned at 7:03 o'clock P.M.

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

MINUTES APPROVED FOR ENTRY THIS _____ DAY OF DECEMBER 2015.

Kenneth Carey, County Mayor
Chairman, Cumberland County Commission

Jule Bryson, Cumberland County Clerk

Jule Bryson
Cumberland County Clerk

2 North Main Street, Suite 206 • Crossville, TN 38555 • (931) 484-6442 • Fax (931) 484-6440

December 10, 2015

PUBLIC NOTICE PURSUANT TO T.C.A. 5-5-111

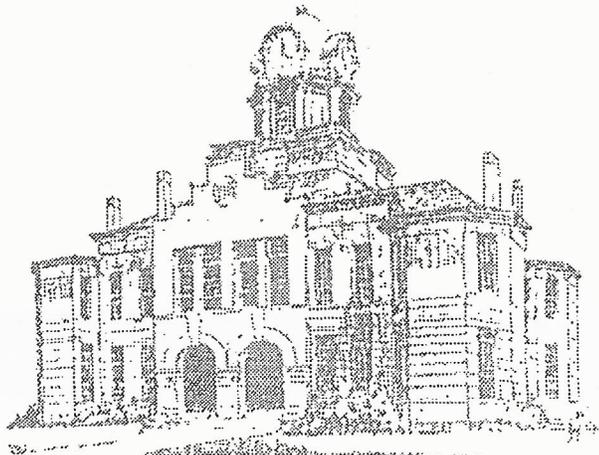
You are hereby notified that on November 16, 2015, the Cumberland County Commission declared a vacant seat in the office of First Civil District Cumberland County Commissioner effective December 31, 2015.

You are further notified the Cumberland County Commission Chairman has established Tuesday, January 5, 2016 at 4:00 o'clock P.M. as the deadline for all interested qualified citizens from the First Civil District to offer their names as candidates for the vacancy to Kenneth Carey, Jr., Cumberland County Mayor.

All potential candidates seeking to fill the First Civil District Commissioner vacancy will be given an opportunity to address the Commission at their regular meeting to be held on **Tuesday, January 19, 2016 at 6:00 o'clock P.M.** in the large meeting room at the courthouse. At that time the Cumberland County Board of Commissioners will appoint someone from the names submitted to serve as a successor until the next election to be held in August 2016.



Jule Bryson
Cumberland County Clerk



RESOLUTION NO. 11-2015-1

RESOLUTION TO PROTEST THE PRIVATIZATION OF CUMBERLAND MOUNTAIN STATE PARK

WHEREAS, Cumberland County, Tennessee Legislative body opposes the Privatization of Cumberland Mountain State Park; and

WHEREAS, Cumberland County, Tennessee has major concerns for the current employees of Cumberland Mountain State Park; and

WHEREAS, Cumberland County, Tennessee duly Protest the Privatization of Cumberland Mountain State Park; and

NOW, THEREFORE BE IT RESOLVED, Cumberland County, Tennessee request through this resolution to the Honorable Governor Bill Haslam, Senator Paul Bailey and State Representative Cameron Sexton to cease and Desist with the current plans to Privatization Cumberland Mountain State Park.

Adopted this 21st day of December, 2015.

SPONSOR:



COUNTY COMMISSIONER

APPROVED:

COUNTY MAYOR

ATTEST:

COUNTY CLERK

**Cumberland County, Tennessee
General Fund**

To the Cumberland County Commission meeting in regular session this 21st day of December, 2015:

Whereas, State Comptrollers office has advised that disbursements for AMB/MARS Emergency Medical Service collection services should not made from the from the revenue account for patient charges.

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

**General Fund
Emergency Medical Services**

Increase Expenditures:

101-55130-399	Other Contracted Services	\$173,748.00
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Increase Revenue:

101-43120	Patient Charges	\$173,748.00
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Sponsor: Allen Foster
County Commissioner

Approval: _____
County Mayor

Attest: _____
County Clerk

Budget Committee Vote:

Ayes: 0 Nays: 0 Abstain: 0

Cumberland County Solid Waste Collection Fee

To the Cumberland County Commission in its regularly scheduled meeting this 21st day of December, 2015.

WHEREAS, the costs of processing solid waste has increased and the County has in an interest in offsetting the costs of solid waste disposal; and

WHEREAS, pursuant to Tenn. Code .Ann. §68-211-835(g) County Governments are given authority to raise funds to meet the state and federal requirements for solid waste collection and disposal; and

WHEREAS, the relevant portions of said statute is as follows:

(g)(1) In addition to any power authorized by title 5, a county, municipality or solid waste authority is authorized to impose and collect a solid waste disposal fee. Funds generated from such fees may only be used to establish and maintain solid waste collection and disposal services, including, but not limited to, convenience centers. All residents of the county shall have access to these services. The amount of the fee shall bear a reasonable relationship to the cost of providing the solid waste disposal services. Such fees shall be segregated from the general fund and shall be used only for the purposes for which they were collected.

(2) Subject to any other requirement of law, a county, municipality or solid waste authority may enter into an agreement with an electric utility to collect the solid waste disposal fee as a part of the utility's billing process. The agreement shall be approved by the governing body of the county or municipality entering into the agreement, or, in the case of a solid waste authority, the agreement shall be approved by the authority's board of directors.

WHEREAS, upon the recommendation of the Budget Committee to request to the County Commission to implement a Solid Waste Collection fee to be placed on the citizens of Cumberland County Electric Utility Bill.

WHEREAS, The County legislative body assembled in session is authorized to act for the County. Tenn. Code Ann. § 5-1-103. All funds to be used in the operation of the County must be appropriated for that use by the County legislative body, which can appropriate money only for expenditures sanctioned by state law. Tenn. Code Ann. § 5-9-401. The County legislative body may appropriate funds for any lawful purpose. Tenn. Code .Ann. § 5-5-118 (incorporating certain municipal powers in Tenn. .Code. Ann. § 6-2-201). It is the duty of the County legislative body to adopt a budget and to appropriate funds for the ensuing fiscal year for all County departments and agencies. Tenn. Code Ann. § 5-9-404.

WHEREAS, The County Legislative Body has the authority to authorize the County Mayor to negotiate with the Electric Utility Companies for a agreed upon fee, or percentage to collect said fee and to remit to the County.

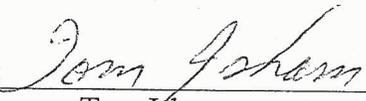
WHEREAS, the proposed fees to offset the costs of processing solid waste shall be Five (\$5.00) Dollars for any habitable residential dwellings, regardless of whether said residential dwelling is occupied or unoccupied; and Fourteen (\$14.00) for commercial and industrial customers. The Fourteen (\$14.00) Dollar fee will apply to all businesses which have a business license or a State sales tax collection number or that provides services for a fee and places where people come together to share a common interest. Barns, fences and other uninhabited structures not used as a residence will be exempt.

WHEREAS, when an account becomes Three (3) months delinquent, the Electric Utility Company will cease to bill that customer. The name will be forwarded to the Finance Director, County Mayor or the County Attorney's Office. A letter will be issued giving instructions of paying account within Thirty (30) days, if the account is not brought current within Thirty (30) days a civil warrant will be issued for collection. After warrant has been issued customer will be responsible for the civil warrant court fees, attorney's fees, and the unpaid Solid Waste Collection fees. If a judgement is granted in favor of the County, execution may issue if necessary. In no less any judgement may be placed against the real or personal property of the person failing to pay such fee.

WHEREAS, the County is willing to pay the Electric Utility Companies a reasonable set up fee for the collection of the Solid Waste Collection fees.

NOW THEREFORE, be it Resolved that the Cumberland County Commission hereby imposes the aforementioned fee to assist in off-setting the costs of processing solid waste and to further reduce the costs to the County in dealing with same. Further, the County Mayor be authorized to negotiate with the Electric Utility Companies for set up fees and collection fees for the Solid Waste Disposal for Cumberland County, Tennessee.

This the _____ day of December, 2015.

Sponsor: 
Tom Isham

Approval: _____
County Mayor

Attest: _____
County Clerk