

# CUMBERLAND COUNTY BOARD OF COMMISSIONERS MEETING

## January 19, 2021 Monthly Meeting Minutes

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Be it remembered that the Cumberland County Commission met in monthly session on Tuesday, January 19, 2021 via teleconference in Crossville, Tennessee. This meeting was audio recorded and posted on the Cumberland County website upon adjournment in accordance with Tennessee Governor Bill Lee's executive order 16. Mayor Allen Foster called the meeting to order at 6:00 o'clock P.M. Present and presiding was Commission Chairman, County Mayor Allen Foster who invited Commissioner Wendell Wilson to deliver the invocation. Mayor Allen Foster led the Pledge of Allegiance to the Flag of the United States of America. Also present on this teleconference were County Clerk Jule Bryson, Finance Director Nathan Brock, County Attorney Philip Burnett and the following County Commissioners:

Chad Norris	Sue Ann York
Kyle Davis	Nancy Hyder
Rebecca Stone	Darrell Threet
David Gibson	Charles Seiber
Jack Davis	Terry Lowe
Wendell Wilson	Joseph Sherrill
Mark Baldwin	Jerry Cooper
Jim Blalock	Deborah Holbrook
Colleen Mall	John Patterson

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

### **1. APPROVAL OF THE JANUARY 19, 2021 COMMISSION MEETING AGENDA:**

On motion of Commissioner Hyder to accept the agenda, second by Commissioner Patterson as presented. The motion to approve the agenda as presented carried by unanimous roll call vote from the Commissioners present.

### **2. MINUTES OF DECEMBER 21, 2020 CUMBERLAND COUNTY COMMISSION MEETING:**

On motion of Commissioner Gibson, second by Commissioner Mall, moved to approve December 21, 2020 Commission Meeting Minutes as presented at the January 19, 2021 meeting made a matter of record and filed as presented. The motion to approve the minutes carried by unanimous roll call vote from the Commissioners present.

### **NEW BUSINESS**

On motion of Commissioner Hyder, second by Commissioner Stone moved to make the determination on record that meeting electronically for the Cumberland County Commission January 19, 2021 meeting is necessary to protect public health, safety and welfare in light of the pandemic. The motion to approve the minutes carried by unanimous roll call vote from the Commissioners present.



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### **3. RESOLUTION 01-2021-1 – TO ACCEPT THE 2021 VERSION OF THE CUMBERLAND COUNTY ROAD LIST:**

On motion of Commissioner Gibson, second by Commissioner Stone moved to adopt resolution 01-2021-1.

Discussion: Commission York asked if the problem that was emailed from Mr. Cliff Segar regarding a certain address had been dealt with. This issue was addressed and was emailed back to Mr. Cliff Segar when the Road Superintendent Scott Blaylock confirmed the road in question was not a county owned road. Commissioner Sherrill stated that there is clearly a problem that he would like to see addressed regarding undefined easements and right-of-ways. The commerce of Cumberland County is adversely affected when property up for sale has no confirmed easement or right-of-way causing loss of sales. Mayor Foster stated that the county had found these easement and right-of-way issues could only be addressed when brought to the county's attention. Attorney Philip Burnett stated that historically, dividing land, subdivisions and creating roads has changed drastically. Not long ago when a road was graveled the road department would take over and start maintaining said road, but that is not the way it is handled any longer. Most of these easement issues have to be dealt with case by case. Mr. Burnett stated that he sometimes deals with this type of issue on a weekly basis and stated that he would be glad to be part of the discussion on managing this situation. We have a huge county with many easement/right-of-way issues. Mayor Foster stated that the county now has a process to clean up these types of issues when presented. Commissioner Wilson spoke with Mr. Cliff Segar and he understands the necessity of the Commission passing the 2021 road list at this time.

The motion to adopt resolution 01-2021-1, approving the 2021 version of the Cumberland County Road List, carried by a unanimous roll call vote from the Commissioners present.

### **5. RESOLUTION 01-2021-2 – TO APPOINT MEMBERS TO THE ADULT-ORIENTED ESTABLISHMENT BOARD:**

On motion of Commissioner Mall, second by Commissioner Stone moved to adopt resolution 01-2021-2.

The motion to adopt resolution 01-2021-2, appointing Sandy Brewer, Kevin Poore and Wanda Reid to the Adult-Oriented Establishment Board to a four (4) year term to expire January 1, 2025, carried by unanimous roll call vote from the Commissioners present.

### **6. RESOLUTION 01-2021-3 – TO APPOINT A MEMBER TO THE ETHICS COMMITTEE:**

On motion of Commissioner Blalock, second by Commissioner Hyder moved to adopt resolution 01-2021-3.

The motion to adopt resolution 01-2021-3, appointing Travis Cole to the Ethics Committee, carried by a unanimous roll call vote from the Commissioners present.

### **7. RESOLUTION 01-2021-4 – BUDGET AMENDMENT, SOLID WASTE/SANITATION FUND, RECYCLING \$1,750.00:**

On motion of Commissioner Holbrook, second by Commissioner Blalock moved to adopt resolution 01-2021-4.

The motion to adopt resolution 01-2021-4, approving a budget amendment in the amount of \$1,750.00 for recycling grant from Walmart Corporation, carried by a unanimous roll call vote from the Commissioners present.



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**8. RESOLUTION 01-2021-5 – BUDGET AMENDMENT, DRUG CONTROL FUND, SHERIFF'S DEPARTMENT, DRUG ENFORCEMENT \$58,945.00:**

On motion of Commissioner Hyder, second by Commissioner Stone moved to adopt resolution 01-2021-5.

The motion to adopt resolution 01-2021-5, approving a budget amendment in the amount of \$58,945.00 from the sale of confiscated weapons and other items at the Cumberland County Gun Show auction revenue and expenses to the Drug Fund, carried by a unanimous roll call vote from the Commissioners present.

**9. RESOLUTION 01-2021-6 – BUDGET AMENDMENT, CAPITAL PROJECT FUNDS EDUCATION CAPITAL PROJECTS \$69,681.12, GENERAL CAPITAL PROJECTS \$46,241.43 & DEBT SERVICE FUND \$115,922.55:**

On motion of Commissioner Hyder, second by Commissioner Seiber moved to adopt resolution 01-2021-6.

The motion to adopt resolution 01-2021-6, approving budget amendment for unspent loan proceeds to be transferred to the Debt Service Fund 177 – Education Capital Projects \$69,681.12, Fund 171-General Capital Projects \$46,241.43, Fund 151-Debt Service Fund \$115,922.55, carried by a unanimous roll call vote from the Commissioners present.

**10. RESOLUTION 01-2021-7 – BUDGET AMENDMENT, ARCHIVES FACILITY, GENERAL CAPITAL PROJECTS FUND \$1,600,300.00:**

On motion of Commissioner Stone, second by Commissioner Sherrill moved to adopt resolution 01-2021-7.

Discussion: Commissioner Sherrill inquired regarding the attached contract, asked if Attorney Philip Burnett had looked over the contract. Attorney Burnett stated that he has looked over the architect contract several times. This contract is considered a standard in the architecture industry.

The motion to adopt resolution 01-2021-7, approving budget amendment for construction and renovation project for the County Archives facility, carried by a roll call vote of sixteen (16) ayes from Commissioners Norris, York, Kyle Davis, Hyder, Stone, Threet, Gibson, Jack Davis, Lowe Wilson, Sherrill, Baldwin, Blalock, Holbrook, Mall and Patterson and two (2) nays from Seiber and Cooper.

**11. RESOLUTION 01-2021-8 – AUTHORIZING ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES:**

On motion of Commissioner Stone, second by Commissioner Hyder moved to adopt resolution 01-2021-8.

The motion to adopt resolution 01-2021-8, approving the issuance of interest bearing general obligation capital outlay note, carried by a unanimous roll call vote from the Commissioners present.



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**12. RESOLUTION 01-2021-9 – AIA DOCUMENT B101-2017 – AGREEMENT BETWEEN CUMBERLAND COUNTY GOVERNMENT AND UPLAND DESIGN GROUP, INC:**

On motion of Commissioner Wilson, second by Commissioner Mall moved to adopt resolution 01-2021-9

The motion to adopt resolution 01-2021-9, agreeing to architecture contract between Cumberland County and Upland Design Group for addition to Cumberland Archives, carried by a unanimous roll call vote from the Commissioners present.

**13. RESOLUTION 01-2021-10 – RESOLUTION CONDEMNING THE STORMING OF THE NATION’S CAPITOL:**

On motion of Commissioner Stone, second by Commissioner Mall moved to adopt resolution 01-2021-10 with a revised resolution related to all acts of violence that have occurred during the past year.

Discussion: After much discussion between the Commissioners and Mayor Allen Foster, Commissioner Stone and Commissioner Mall agreed to remove their support for the revised resolution.

Commissioners Lowe and Hyder, co-sponsors of the resolution 01-2021-10 agreed with pulling the original resolution from the agenda. The motion to remove resolution 01-2021-10, approving removal of this resolution from the January 19, 2021 Cumberland County Commission agenda, carried by a roll call vote of seventeen (17) ayes from Commissioners Norris, York, Kyle Davis, Hyder, Stone, Threet, Gibson, Seiber, Jack Davis, Lowe, Wilson, Sherrill, Baldwin, Cooper Blalock, Mall and Patterson and one (1) nay from Commissioner Holbrook.

**COUNTY OFFICIAL REPORT; FINANCE DIRECTOR NATHAN BROCK:**

Commissioners received the monthly financial report from Finance Director Brock detailing the December 2020 revenue collections for the County in ambulance service, sales tax, property tax and hotel/motel tax and prisoner boarding.

Discussion: Commissioner Hyder asked how the EMS budget was looking with the amount of ambulance calls coming in at this time. It is obvious that ambulance service is overworked during this pandemic crisis and the commission needed to help where they could to help EMS take care of our community. Mayor Foster stated that he had spoken with Chris Miller And he is short on paramedics and that’s being made up in overtime. Mayor Foster advised that now is not the time to take a truck off the road, the overtime could be reviewed at a later date.

**COUNTY OFFICIAL REPORT: ATTORNEY PHILIP BURNETT:**

Attorney Burnett stated that new lawsuit had been filed in late December 2020. This new suit is an Equal Employment Opportunity Commission claim with a one plaintiff so he is comfortable in the county’s position in this suit. The Harvel lawsuit is still in mediation with the Department of Justice and Burnett remains optimistic in the county’s position.

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**STANDARD COMMITTEE REPORTS:**

Health and Safety Committee will be meeting Wednesday, January 27<sup>th</sup> at 2:00 o'clock PM at the courthouse.

**13. ELECTION OF NOTARIES:**

On motion of Commissioner Gibson, second by Commissioner Hyder, moved be elected Marlena M. Bilyeu Robert Mitchell Covington, Nancy Sue Mansfield, Diana Renee OMalley, Taylor Palmer, Shawn David York, Penny Baudendistel, Bethany W. Davis, Susan M. Hyder, Diane Long, Ralph L. Morgan, April Reed as Notary Publics for the State of Tennessee.

The motion to approve the notaries carried by unanimous roll call from the Commissioners present.

**14. ANNOUNCEMENT:**

Commissioner Blalock stated that he did not see an issue in the removal of resolution 01-2021-10. Commissioner Stone stated that she understood that the resolution needed to be removed after discussion. Commission Patterson wanted to commend EMS director Chris Miller on a job well done.

**15. ADJOURNMENT:**

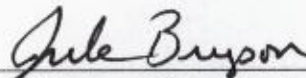
On motion of Commissioner Sherrill, second by Commissioner Cooper, moved the January 19, 2021 Commission Meeting be adjourned at 7:05 o'clock P.M.

The motion to adjourn the meeting carried by unanimous roll call from the Commissioners present.

MINUTES APPROVED FOR ENTRY THIS 16 DAY OF FEBRUARY 2021.



Allen Foster, County Mayor  
Chairman, Cumberland County Commission



Julie Bryson, Cumberland County Clerk