

ANDERSON COUNTY

REGULAR SESSION

COMMISSION MINUTES

DECEMBER 19, 2016

BE IT REMEMBERED THAT THE ANDERSON COUNTY BOARD OF COMMISSION MET IN REGULAR SESSION ON DECEMBER 19, 2016 WITH THE FOLLOWING COMMISSIONERS PRESENT: TRACY WANDELL, MARK ALDERSON, RICK MEREDITH, STEVE EMERT, PHIL WARFIELD, SHAIN VOWELL, TIM ISBEL, ROBERT MCKAMEY, JERRY WHITE, WHITEY HITCHCOCK, STEVE MEAD, JERRY CREASEY, THERESA SCOTT, PHIL YAGER AND MYRON IWANSKI. ABSENT: CHUCK FRITTS.

Prayer was led by Commissioner Vowell.

Pledge of Allegiance was led by Commissioner Wandell.

1. Commissioner White made a motion to approve the Consent Agenda. Seconded by Commissioner Warfield. Motion carried by voice vote.

- November 21, 2016 County Commission Minutes
- Notary and Notary Bonds
- Reports
 - Director of Schools
 - Written Report
 - County Mayor
 - Law Director
 - Written Report
- Committee Reports
 - ADA Committee Minutes
 - Board of Education Minutes
 - Finance Committee Minutes

Notaries

Melissa R Babb

Sheryll Blanc Carroll

Saira Carolina Chavez

David R Dunkirk

Cathy D Dunning

Jon Edmonds

Tara Pierce

Angelica Price

Ciara S Rosenbaum

Sabrina Schwenke

Lauren R Smith

Destinee S Trent

Jennifer E Walker

Notary Bonds

Western Surety Co

Penny Michele Sullivan

Leesa Marie Sullivan

Steven Alley

SBCA

Tonya D McNeil

Patricia G McBee

Cynthia L Smith

Phillip Thomas Stiles

RLI

Cindy R Clowers

Jaime E Dailey

Olivia Bull

Allison McGhee

Kimberly M Sexton

2. Commissioner White made a motion to approve Regular Agenda. Seconded by Commissioner Scott.

Commissioner Creasey made a motion to amend Regular Agenda to move ADA Committee report to front of meeting between Director of Schools and Mayor Report. Seconded by Commissioner Yager. Motion carried by voice vote.

Commissioner McKamey made a motion to add the Crumpley vs. Anderson County lawsuit to Law Directors report. Seconded by Commissioner Warfield. Motion carried by voice vote.

Commissioner Warfield made a motion to approve Regular Agenda as amended. Seconded by Commissioner McKamey. Motion carried by voice vote.

Director of Schools

No action at this time.

ADA Committee

3. Commissioner Creasey made a motion to approve our ADA Grievance Procedure as amended by our ADA Committee. Seconded by Commissioner Meredith. Motion carried by voice vote.

4. Commissioner Creasey made a motion to approve public right away accessibility guidelines. Seconded by Commissioner Scott. Motion carried by voice vote.

Mayor

5. Commissioner Alderson made a motion to appoint Charles Oldham to Powell Clinch Utility District and to enter the signed order appointing him into the minutes. Seconded by Commissioner Warfield. Motion carried by voice vote.

Law Director

6. Commissioner Warfield made a motion to approve settlement as distributed previously in the Crumpley verses Anderson County lawsuit. Seconded by Commissioner Scott. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: Vowell, Isbel and McKamey. Absent: none. Motion passed.

Purchasing Committee

7. Commissioner White made a motion to approve the following five contracts. Seconded by Commissioner Scott. Motion carried by voice vote.

- GovDeals-Purchasing Dept.-Two year contract for the period of 12-20-2016 thru 12-19-2018 for online auction services for surplus assets.

- State of Tennessee EMA Performance Grant-EMA- One year grant contract for fiscal year 2016- June 30, 2017 to fund training, exercise, planning, management & administration and equipment purchases for EMA, also known as emergency management.
- American Fidelity Administrative Services-Finance Department-HIPAA (Health Insurance Portability and Accountability Act) /HITECh (Health Information Technology for Economic and Clinical Health Act) Agreement for American Fidelity Administrative Services Master Agreement.
- Montessori Center Lease Agreement-Anderson County-Two year contract for the period of 12-01-2016 threw 11-30-2018 for lease of office space to Montessori School (90 to 60 day termination clause change).
- VOCA Anderson County General Sessions Victim Coordinator Grant-Two year Federal Grant contract for the period of 1-1-2017 threw 6-30-2019 to provide support services for victims of crime.

8. Commissioner McKamey made a motion to approve to take to Solid Waste Facility one tablet and one RCA mini laptop seized by Sheriff's Department. Seconded by Commissioner Scott. Motion carried by voice vote.

9. Commissioner Mead made a motion to take to landfill one wooden desk. Seconded by Commissioner Scott. Motion carried by voice vote.

Veterans Administration

10. Commissioner McKamey made a motion that subject to the Clinton American Legion and the Veterans Advisory Board approving that Mr. Jaquet, with assistance from the Law Director, give control and coordination of the Veterans Day Parade to the American Legion and remove from Mr. Jaquet's job description. Seconded by Commissioner Mead. Motion carried by voice vote.

Budget Committee

11. Commissioner Alderson made a motion to approve the following school appropriations. Seconded by Commissioner Mead. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: none. Absent: Fritts. Motion passed.

Increase Expenditure Code:

141-71300-336	Vocational Education-Maintenance And Repair Equipment	\$8,374.40
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Decrease Revenue Code:

141-49600	Proceeds from Sale of Capital Assets	\$8,374.40
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Increase Expenditure Code:

141-72520-399	Human Resources-Contracted Services	\$6,030.00
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Decrease Reserve Code:

101-39000	Committed for Education- Financial Software	\$6,030.00
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(amendment will be from 141-34655-4000 and a JE will replenish the reserve for 39000)

Increase Expenditure Code:

141-99100-590	Transfer to Other Funds	\$75,000.00
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Decrease Expenditure Code:

141-39000	Committed for Education Federal Projects Cash Flow	\$75,000.00
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(amendment will be from 141-34655-8000 and a JE will replenish the reserve for 39000)

12. Commissioner Scott made a motion to approve the following school transfers. Seconded by Commissioner Warfield. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: none. Absent: Fritts. Motion passed.

Increase Expenditure Codes:

141-72110-105	Attendance-Director/Supervisor	\$82,100.00
141-72110-201	Attendance-Social Security	2,259.00
141-72110-204	Attendance-State Retirement	4,300.00
141-72110-212	Attendance- Medicare	<u>540.00</u>
	Total Expenditures Increased	\$89,199.00

Decrease Reserve Codes:

141-71100-116	Regular Instruction-Teachers	\$82,100.00
141-71100-201	Regular Instruction-Social Security	2,259.00
141-71100-204	Regular Instruction-Retirement	4,300.00
141-71100-212	Regular Instruction-Employer Medicare	<u>540.00</u>
	Total Expenditures Decreased	\$89,199.00

Increase Expenditure Code:

141-72620-167	Maintenance Personnel	\$74,776.00
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Decrease Expenditure Code:

141-72620-105	Maintenance-Supervisor/Director	\$74,776.00
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13. Commissioner Scott made a motion to approve the following non-school appropriations. Seconded by Commissioner Mead. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: none. Absent: Fritts. Motion passed.

Increase Expenditure Code:

101-54410-599-ORRCA	Civil Defense-Other Charges ORRCA	\$5,000.00
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Increase Revenue Code:

101-48130-3001	Revenue from Oak Ridge Reservation Community Alliance	\$5,000.00
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Increase Expenditure Code:

101-55110-499-ETSU	Other Supplies & Materials ETSU Breast Feeding	\$1,250.00
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Increase Reserve Code:

101-47590-ETSU	ETSU Breast Feeding Grant	\$1,250.00
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Increase Expenditure Codes:

101-55190-131-3000	Other Local Health Services Medical Personnel DGA Grant	\$4,134.00
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101-55190-207-3000	Medical Insurance	\$6,708.00
101-55190-208-3000	Dental Insurance	298.00
101-55190-355-3000	Travel	700.00
101-55190-201-3000	Social Security	60.00
101-55190-204-3000	Retirement	364.00
101-55190-209-3000	Short Term Disability	<u>30.00</u>
	Total Expenditures Increased	12,294.00

Increase Revenue Code:

101-46310-3000	DGA Contract Grant	\$12,294.00
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Increase Revenue Codes:

101-43396	Data Processing Fee	\$1,822.00
101-46990-6000	Other State Revenues- Bus. Tax Processing Fee	<u>400.00</u>
	Total Revenues Increased	\$2,222.00

Decrease Expenditure Codes:

101-52500-349	Printing, Stationary & Forms	\$1,822.00
101-52500-709	Data Processing Equipment	<u>400.00</u>
	Total Expenditures Increased	\$2,222.00

14. Commissioner McKamey made a motion to approve the following general fund unassigned fund balance appropriation. Seconded by Commissioner Creasey. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: none. Absent: Fritts. Motion passed.

Increase Expenditure Code:

101-51900-316	Other General Administration- Contributions	\$10,915.00
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Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$10,915.00
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15. Commissioner Isbel made a motion to approve the following general fund unassigned fund balance appropriation. Seconded by Commissioner Alderson. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: none. Absent: Fritts. Motion passed.

Increase Expenditure Code:

101-51900-316	Other General Administration- Contributions	\$12,600.00
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Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$12,600.00
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16. Commissioner Wandell made a motion to approve the following general fund unassigned fund balance appropriation. Seconded by Commissioner Isbel. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: none. Absent: Fritts. Motion passed.

Increase Reserve Code:

101-34635-BRCV	Committed- Briceville Library from 16/17 Bond Refunding	\$11,760.00
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Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$11,760.00
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17. Commissioner Alderson made a motion to approve the following general fund unassigned fund balance appropriation. Seconded by Commissioner Warfield. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott, Yager and Iwanski. Voting no: none. Absent: Fritts. Motion passed.

Increase Expenditure Code:

101-52600-399	Other Contracted Services	\$4,500.00
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Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$4,500.00
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18. Commissioner Mead made a motion to rescind Item 24 from November 21, 2016 County Commission Minutes. Seconded by Commissioner Scott. Motion carried by voice vote.

Operations Committee

19. Commissioner Isbel made a motion to approve \$9,151.00 matching funds from two Federal Grants to be used for additional firefighting equipment. Seconded by Commissioner Scott. Motion carried by voice vote.

20. Commissioner Isbel made a motion that the Mayor find a way to recognize all departments under the County umbrella with a plaque and publication in the newspaper for their assistance with Gatlinburg fires and tragedies. Seconded by Commissioner Creasey. Motion carried by voice vote.

21. Commissioner Isbel made a motion to approve the resolution establishing meeting dates and times for the Anderson County Board of Commissioners (Exhibit A). Seconded by Commissioner Mead. Motion carried by voice vote.

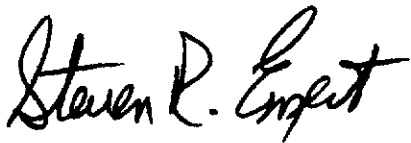
22. Commissioner Isbel made a motion to approve a resolution for the engagement and payment of alternate or substitute counsel (Exhibit B). Seconded by Commissioner Mead. Motion carried by voice vote.

Old Business

None at this time.

New Business

23. Commissioner Creasey made a motion that we invite our Emergency Management Director Steve Payne and the Department of Agriculture to our next Operations Committee meeting and talk to us about our emergency plans. Seconded by Commissioner Scott. Motion carried by voice vote.



Steven R Emert, Chairman
County Commission



Jeff Cole,
County Clerk



EXHIBIT PAGE

DECEMBER 19, 2016

EXHIBIT A: RESOLUTION ESTABLISHING MEETING DATES AND TIMES FOR THE ANDERSON COUNTY BOARD OF COMMISSIONERS

EXHIBIT B: RESOLUTION FOR THE ENGAGEMENT AND PAYMENT OF ALTERNATE OR SUBSTITUTE COUNCEL

***ALL ORIGINAL CERTIFIED COPIES OF DOCUMENTS ARE FILED IN THE COUNTY CLERKS CLINTON LOCATION LOCATED IN COURTHOUSE ROOM 111.**

Anderson County, Tennessee

EXHIBIT

Board of Commissioners

A

RESOLUTION No: 16-12-613

**RESOLUTION ESTABLISHING MEETING DATES AND TIMES FOR
THE ANDERSON COUNTY BOARD OF COMMISSIONERS.**

WHEREAS, notice is hereby given to all County Commissioners and residents of Anderson County, and to all other interested persons, that open, public and regular meetings of the Anderson County Board of Commissioners will be held on the third Monday of each month for the 2017 calendar year as follows:


- January 17, 2017 at 6:30 P.M.
- February 21, 2017 at 6:30 P.M.
- March 20, 2017 at 6:30 P.M.
- April 17, 2017 at 6:30 P.M.
- May 15, 2017 at 6:30 P.M.
- June 19, 2017 at 6:30 P.M.
- July 17, 2017 at 6:30 P.M.
- August 21, 2017 at 6:30 P.M.
- September 18, 2017 at 6:30 P.M.
- October 16, 2017 at 6:30 P.M.
- November 20, 2017 at 6:30 P.M.
- December 18, 2017 at 6:30 P.M.

WHEREAS, meetings will be conducted in Room 312 of the Anderson County Courthouse located at 100 North Main Street, Clinton, TN. 37716.

WHEREAS, the Commission Chairman and County Clerk reserve the right to call for Special Called Sessions of the Board of Commissioners as needed with due public notice.

NOW THEREFORE, BE IT RESOLVED, by the Anderson County Board of Commissioners meeting in regular session this 19th day of December, 2016, that we hereby approve and establish the above-recited meeting dates and times as the official calendar for the 2017 year.


RESOLVED, DULY PASSED, APPROVED AND EFFECTIVE this 19th day of December 2016.


Steve Emert, County Commission Chairman




Terry Frank, County Mayor

ATTEST:


Jeff Cole, County Clerk

Anderson County, Tennessee
Board of Commissioners

RESOLUTION No.: 16-12-614

**RESOLUTION FOR THE ENGAGEMENT AND PAYMENT OF ALTERNATE
OR SUBSTITUTE COUNSEL**

WHEREAS, 2006 Tenn. Priv. Acts Ch. 77, § 8, authorizes county officials and employees to employ counsel other than the County Law Director only with the approval of the County Commission; and

WHEREAS, conflicts develop from time to time between the Law Director's representation of one portion of Anderson County, on the one hand, and other individuals in Anderson County, such that the Law Director is unable to represent certain parties; and these legal "conflicts" have on occasion occurred between the Anderson County Law Director and officials and employees in and among the Anderson County Government; and

WHEREAS, because of these conflicts in representation, the Anderson County Mayor has employed additional or substitute counsel to represent and advise her in the performance of her duties, or matters arising out of her official duties, at various times beginning in early 2013; and

WHEREAS, other Anderson County officials and employees have employed additional or substitute counsel to represent and advise them in the performance of their duties, or in matters arising out of their official duties, at various times beginning in 2013;

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 19 day of Dec., 2016:

The Anderson County Mayor may employ or retain an attorney to represent and advise any official or employee in connection with their duties for the County, including but not limited to the County Mayor or her appointees, when the County Mayor believes it is appropriate for an attorney other than insurance counsel or the County Law Director to provide those services, such attorney being "additional or substitute" counsel pursuant to 2006 Tenn. Priv. Acts Ch. 77, § 8.

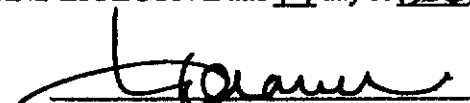
A substitute legal fund will be created and a sufficient budget made available for the employment of such counsel. Invoices for fees and expenses incurred pursuant to this Resolution shall be submitted to the Anderson County Director of Finance for review, for compliance with this Resolution only, and paid from the substitute legal fund. Any attorney retained by the County Mayor pursuant to this Resolution shall be paid the prevailing market rate for similar services, taking into account the complexity and subject matter of the services.

The Anderson County Law Director will have no involvement in, and shall not comment on, the selection of counsel pursuant to this section, nor shall the Anderson County Law Director review or comment upon invoices for fees and expenses incurred pursuant to this section.

RESOLVED, DULY PASSED, APPROVED AND EFFECTIVE this 19 day of Dec 2016



Steve Emert, Chair, AC Commission



Terry Frank, Anderson County Mayor



Jeff Cole, Anderson County Clerk

